

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15275) granting a pension to Margaret Adeline Douthit; to the Committee on Invalid Pensions. Also, a bill (H. R. 15276) granting an increase of pension to Nancy E. Stanley; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 15277) providing for the examination and survey of West Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: A bill (H. R. 15278) granting a pension to Rebecca A. Walter; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 15279) for the relief of the family of Wang Erh-Ko; to the Committee on Naval Affairs.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 15280) granting an increase of pension to Mary J. Matha; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 15281) for the relief of Amos Gaul; to the Committee on Military Affairs.

Also, a bill (H. R. 15282) for the relief of Peter Guilday; to the Committee on Military Affairs.

Also, a bill (H. R. 15283) granting a pension to Emma C. Bragg; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 15284) granting a pension to John S. McClanahan; to the Committee on Pensions.

Also, a bill (H. R. 15285) granting a pension to Mary Gallion; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 15286) granting a pension to John Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15287) granting an increase of pension to John H. Jackson; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15288) for the relief of Angelo Cerri; to the Committee on Claims.

Also, a bill (H. R. 15289) granting a pension to Alfred A. Abel; to the Committee on Pensions.

Also, a bill (H. R. 15290) granting an increase of pension to Conrad E. Nelson; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 15291) granting an increase of pension to Maria A. Finnegan; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla.; to the Committee on Claims.

By Mr. HILL of Alabama: A bill (H. R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 15294) for recognition of meritorious service performed by Chief Gunner Clarence L. Tibbals; to the Committee on Naval Affairs.

By Mr. HUDDLESTON: A bill (H. R. 15295) granting an increase of pension to Allison D. McKinney; to the Committee on Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 15296) granting a pension to Eliza Fox; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15297) granting an increase of pension to William McCrocklin; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15298) granting an increase of pension to Lucy J. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15299) granting an increase of pension to Tillie J. Smyser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15300) granting an increase of pension to Ella M. Reed; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 15301) granting an increase of pension to Caroline Clements; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 15302) granting a pension to Americus Watt; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 15303) granting an increase of pension to Christopher C. Hamilton; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 15304) granting a pension to Sallie Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15305) granting a pension to Anna Mary Margaret Kerperin; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15306) granting a pension to Ida E. Russell; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 15307) granting an increase of pension to Robert J. Jones; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 15308) granting a pension to Catherine L. Lawrence; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 15309) granting an increase of pension to Ida Ballard; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 15310) granting a pension to Esther Spellman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15311) granting an increase of pension to Mary A. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15312) granting an increase of pension to Cora L. Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15313) granting an increase of pension to Ruth M. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15314) granting an increase of pension to Sarah A. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15315) granting an increase of pension to Agnes R. Jacobs; to the Committee on Invalid Pensions.

By Mr. COHEN: A bill (H. R. 15316) granting an increase of pension to Isaac Adler; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 15317) granting an increase of pension to Snowden Jones; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 15318) granting an increase of pension to Barbara A. Stewart; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15319) granting an increase of pension to Cora E. Benadum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15320) granting an increase of pension to William Briney; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 15321) granting a pension to Dell Toy; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 15322) for the relief of Clara C. Talmadge; to the Committee on Claims.

By Mr. MACGREGOR: Resolution (H. Res. 259) to provide for a temporary assistant majority floor manager of telephones; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7959. By Mr. McCORMACK: Petition of New England Shoe and Leather Association, Thomas F. Anderson, secretary-treasurer, 166 Essex Street, Boston, Mass., urging early and favorable consideration of House bill 9195, providing for the removal of present quantity restrictions on imports of cigars and cigarettes from Cuba; to the Committee on Ways and Means.

7960. By Mr. WYANT: Petition of Jeannette Lodge No. 486, Benevolent Protective Order of Elks, favoring enactment of Senate bill 1727, providing for optional retirement after 30 years' service when age 63 years is attained; to the Committee on the Civil Service.

7961. Also, petition of Capt. George A. Cribbs Post, No. 276, Grand Army of the Republic, Greensburg, Pa., favoring pension legislation at the present session of Congress for the relief of aged and decrepit Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

THURSDAY, December 13, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, fountain of life and light, whose tireless energy pervades the universe, enable us in our work to reflect some broken beam of Thy glory. Grant that we may accomplish our appointed tasks with a sense of ease and mastery, always conscious that we are greater than they, and so direct our efforts by Thy purpose that we may win for mankind that freedom and mutual trust which shall cause all nations, in the spirit of unity and abiding fellowship, to bring their honor and glory into Thy kingdom. Through Jesus Christ our Lord. Amen.

ROBERT M. LA FOLLETTE, Jr., a Senator from the State of Wisconsin, appeared in his seat to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy or as warrant or commissioned officers in the United States Naval Reserve Force for purpose of promotion to chief warrant rank;

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13685. An act to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California*;

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines; and

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month.

SENATOR FROM DELAWARE

Mr. BAYARD. Mr. President, I send to the desk a certificate of appointment from the Governor of the State of Delaware, designating Hon. DANIEL O. HASTINGS as a Senator from that State, which I ask may be read.

The VICE PRESIDENT. The clerk will read the certificate. The certificate was read and ordered to be placed on file, as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

Be it known that I, Robert P. Robinson, Governor of the State of Delaware, according to the form of the act of the general assembly of said State, have appointed DANIEL O. HASTINGS to be a Senator of the United States, to serve as such Senator until the electors of the said State shall fill the vacancy caused by the resignation of Coleman du Pont, lately Senator from said State, in the Senate of the United States.

Given under our hands, in obedience to the said act of the general assembly and of the act of Congress, this 10th day of December, A. D. 1928, and of the independence of the United States of America the one hundred and fifty-third.

By the governor:
[SEAL.]

ROBT. P. ROBINSON.

CHARLES H. GRANTLAND,
Secretary of State.

Mr. BAYARD. Mr. President, Mr. HASTINGS is present, and I ask that he be sworn in at this time.

The VICE PRESIDENT. The Senator designate will present himself at the desk and receive the oath.

Mr. HASTINGS, escorted by Mr. BAYARD, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, his annual report covering activities of the Currency Bureau for the year ended October 31, 1928, which was referred to the Committee on Banking and Currency.

ANNIVERSARY OF FIRST AIRPLANE FLIGHT

The VICE PRESIDENT. Under the terms of the joint resolution (H. J. Res. 342) to appoint a congressional committee to attend the exercises celebrating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright on

December 17, 1903, at Kill Devil Hills, Kitty Hawk, N. C., the Chair appoints the junior Senator from Connecticut [Mr. BRIGHAM], the senior Senator from North Carolina [Mr. SIMMONS], and the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SIMMONS. Mr. President, much as I regret it, I find that I would not be able to attend the celebration, and I ask the Chair to appoint some one in my place.

The VICE PRESIDENT. The Chair will appoint in place of the senior Senator from North Carolina the junior Senator from South Dakota [Mr. McMASTER].

Mr. OVERMAN. Mr. President, it will be a very great occasion and I should like to go, but it is impossible for me to do so at this time. As I desire the Senate to be represented on the occasion, I ask the Chair to appoint some one in my place.

The VICE PRESIDENT. The Chair will appoint the junior Senator from Alabama [Mr. BLACK] in place of the junior Senator from North Carolina.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank;

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13685. An act to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California*; and

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines; to the Committee on Naval Affairs.

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Mr. BLEASE. Mr. President, I present resolutions adopted by the Wardens' Association of America meeting with the American Prison Congress, at Kansas City, Mo., in opposition to the Hawes bill with reference to prison-made goods, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., December 12, 1928.

Senator COLE L. BLEASE,

Senate Office Building, Washington, D. C.

The Wardens' Association of America, meeting with the American Prison Congress, at Kansas City, Mo., in October, 1928, unanimously adopted the following resolution:

Whereas idleness in penal institutions is destructive of the physical, mental, moral and spiritual welfare of their inmates; and

Whereas productive labor under normal sanitary working conditions in penal institutions is a controlling factor in prison reformation, discipline, and order; and

Whereas there have been introduced, from time to time, bills in Congress and in the State legislatures, the effect of which, if enacted into law, would be to destroy or cripple the marketing of products of penal institutions and farms: Therefore be it

Resolved, That we are opposed to any and all State or Federal legislation that would directly or indirectly interfere with the production, manufacture, sale, or transportation of products of penal institutions; that we believe such legislation is unnecessary, unwise, and unfair to the penal institutions, and their inmates; be it further

Resolved, That a committee be appointed to keep in touch with all such proposed legislation and to protest to Congress and the State legislatures against its enactment.

We respectfully petition the Senate not to pass the Hawes-Cooper bill, H. R. 7729. We ask that it be referred to a committee and that we be permitted to appear before that committee.

Committee Wardens' Association of America:

E. J. Fogarty, chairman, superintendent Cook County Jail, Chicago, Ill.; R. M. Youell, superintendent Virginia State Prison, Richmond, Va.; A. H. McCauley, chairman board of directors South Carolina State Prison, Chester, S. C.; J. J. Sullivan, warden Minnesota State Prison, Stillwater, Minn.; T. P. Hollowell, warden Iowa State Prison, Fort Madison, Iowa; Elmer Green, warden Illinois Penitentiary, Joliet, Ill.; Archdeacon B. M. Spurr, chaplain West Virginia State Prison, Moundsville, W. Va.; John J. Hannan, chairman board of control, Madison, Wis.; George Jameson, superintendent South Dakota Penitentiary, Sioux Falls, S. Dak.; H. K. W. Scott, superintendent Connecticut State Prison, Wethersfield, Conn.; J. F. Thames, Mississippi Prison Commission, Jackson, Miss.; John Snook, warden Federal Prison, Atlanta, Ga.; P. J. Dugan, warden New Mexico State Prison, Santa Fe, N. Mex.; Lewis D. White, warden United States Federal Prison, Leavenworth, Kans.; A. F. Miles, superintendent Indiana Reformatory, Pendleton, Ind.; Mrs. Blanche La Du, member Minnesota board of control, St. Paul, Minn.; Miss Margaret Elliott, superintendent Women's Prison, Indianapolis, Ind.; Warden Davis, Utah State Prison, Salt Lake City, Utah; F. E. Crawford, warden Colorado State Prison, Canon City, Colo.; Homer K. York, member of board of trustees, Marion, Ind.; Mrs. William Harrison Cade, board of welfare, 2506 Aubert Avenue, Chicago, Ill.; Ralph Howard, superintendent of Indiana State Farm, Putnamville, Ind.; William H. Harrison, director of penal institutions, Jefferson City, Mo.; John J. Burnet, industrial director, Jefferson City, Mo.

Mr. BLEASE. I also present a letter from the president of the South Carolina American Legion Auxiliary in reference to the so-called Kellogg treaty, which I ask the clerk to read and that it be referred to the Committee on Foreign Relations.

There being no objection, the letter was read and referred to the Committee on Foreign Relations, as follows:

AMERICAN LEGION AUXILIARY,
DEPARTMENT OF SOUTH CAROLINA,
Charleston, S. C., December 10, 1928.

Senator COLE BLEASE,
Washington, D. C.

DEAR SENATOR BLEASE: Representing 3,000 women (the American Legion Auxiliary, Department of South Carolina), I am writing protesting against the ratification of the Kellogg multilateral treaty or any other treaty until after the naval bill has been passed.

Please let me have an expression from you on these subjects for the information of my department.

With best wishes, I am very sincerely,

(Mrs. J. S.) WILLIE B. RHAME,
President Department of South Carolina,
American Legion Auxiliary, 58 Rutledge Avenue.

Mr. BLEASE. I also present resolutions adopted by Charleston Post, No. 10, of the American Legion, Department of South Carolina, which I ask may be read and referred to the Committee on Military Affairs.

There being no objection, the resolutions were read and referred to the Committee on Military Affairs, as follows:

Resolution duly adopted at regular meeting Charleston Post, No. 10, the American Legion, Department of South Carolina, November 14, 1928

Whereas in the preamble to the Constitution of the United States of America it is stated that one of the objects of the establishment of the Constitution is to "provide for the common defense"; and

Whereas the members of this post believe that this object is of as much importance to-day as it was when the Constitution was adopted: Now, therefore, be it

Resolved, That a copy of this resolution be sent to the Senators and Department of South Carolina, earnestly urges the Senators and Congressmen from South Carolina to exert their best efforts to see to it that we have an Army adequate for the defense of this country and that we have a Navy second to none in the world; be it further

Resolved, That a copy of this resolution be sent to the Senators and Congressmen from South Carolina, to the newspapers of the city of Charleston, all posts of the American Legion, Department of South Carolina, and all departments throughout the United States.

AUBREY E. DAVIS, Adjutant.

CHARLESTON, S. C., November 14, 1928.

Mr. FESS. Mr. President, Mrs. Atlee Pomerene, whose husband was once a very distinguished Member of this body, handed me a resolution adopted by the Women's Council for

the Promotion of Peace. I ask unanimous consent that the clerk may read the resolution, and that it be referred to the Committee on Foreign Relations.

The resolution was read and referred to the Committee on Foreign Relations, as follows:

Whereas during the past 10 years the dominant desire of all thoughtful people has been to discover some means whereby permanent peace may be established; and

Whereas various efforts to democratize justice among the nations have culminated in the Kellogg multilateral treaty whereby "the high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another," and "agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means";

We, therefore, the women of the Women's Council for Promotion of Peace, appeal to you, Senator SIMEON FESS, our representative in the United States Senate, to adopt the multilateral treaty and work for its passage in the Senate.

MARY D. PRESCOTT, President.

Mr. JONES presented papers in the nature of petitions numerous signed by sundry citizens of Tacoma and South Bend, in the State of Washington, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by Riley County (Kans.) Farmers Union, No. 45, favoring the passage of legislation making the tariff on agricultural products more effective, and also providing for the early completion of an inland waterway system, which was referred to the Committee on Finance.

Mr. DENEEN presented resolutions adopted by Peoria Post, No. 2, the American Legion, Department of Illinois, which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

PEORIA POST, No. 2 (INC.),
THE AMERICAN LEGION,
DEPARTMENT OF ILLINOIS,
Peoria, Ill.

Resolved by Peoria Post, No. 2, the American Legion, District of Illinois, at a regular meeting assembled this 15th day of November, 1928, That we are in unanimous accord with the national organization and stand squarely behind the national committee on matters of national defense as particularly exemplified by the following editorial appearing in the Peoria Journal under date of Saturday, November 10, 1928, which in words and figures next follows:

"The American people have frequently shown a profound respect for the man who knows his business. Babe Ruth is acclaimed on the baseball diamond, but not on the political rostrum. What Lindbergh says about aviation is respected because of his consistent and triumphant conquests of the air. Thomas A. Edison is an authority on electricity, but his views on college education cause a smile. Henry Ford probably has made a deeper impression in his time than any of his contemporaries, but he excels as an industrialist, not as an editor.

"The American Legion is composed of men who offered their lives for their country. In the aggregate they represent a body of American public opinion deemed competent to discuss national defense. It is a matter of no immediate importance whether they got into the war as volunteers or as conscripts. It is they who risked and suffered. It is they who saw their comrades fall in the dark days of the war.

"The American people will soon be inundated with pacifist propaganda. They will be told that the pact of Paris, renouncing war as an instrument of national policy, must be ratified by the United States Senate in December, and later they will be told that having consented to the renunciation of war it is their moral duty to refrain from making preparations for war. The pact of Paris is a good gesture. If it promotes peace, it is deserving of enthusiastic support. There is not the slightest doubt that the Senate will ratify it. But if it is seized upon as a pretext for abandoning naval construction and weakening our national defenses while European states continue to strengthen their own, the result will be disastrous.

"The American Legion is peculiarly fitted to deal concretely and authoritatively with problems of national defense. We have had in this country one year of war for every five years of peace and we have entered every war unprepared. Had it not been for the British Navy Germany would have won the World War. Britain is still realist; so are France and Italy. It was Mussolini who signed the Locarno pact on behalf of Italy. Il Duce is also a realist, and as a realist he is commanding respect for his unique policies. The obligation rests upon the United States not only to defend its homeland but to protect its investments and its citizens in all parts of the world.

"National defense, in the light of modern conditions and involvements, is a meaningless term. There is no such thing apart from defense of everything that is American everywhere. That is national defense, or there is none. The American Legion is barred from participation in all controversies in which its membership is divided on racial, religious, political, or sectional grounds. But on a national-defense policy it should speak with one voice.

"The pacifists are coming; fall in."

And be it further Resolved, That this post of the American Legion memorialize the Congressman from this district, the Senators from Illinois, and Congressmen at large, RUTH HANNA McCORMICK and RICHARD YATES, and exert exert all possible collective and individual effort to the carrying out of the proposition enunciated in the above editorial.

PEORIA POST No. 2,
JAMES M. SHUTE,
Commander.

Official:

N. C. CATION, Adjutant.

Mr. REED of Pennsylvania presented resolutions which were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Ellwood City Council, Fraternal Patriotic Americans, No. 182, Ellwood City, Pa.

ELLWOOD CITY, PA., December 11, 1928.

To the Congress of the United States:

Whereas it has come to our notice that large numbers of immigrants are entering the United States by the way of Canada and Mexico and that many of them remain in the United States permanently: Therefore be it

Resolved, That legislation be speedily enacted to apply the quota law to Canada and Mexico, and also that an alien registration law be adopted and that all aliens who are now in the country illegally be deported; and be it further

Resolved, That Congress pass an alien deportation bill and that sufficient money be appropriated to make such a law effective, and that the "national origins" provision of the present law be put into effect without any further delay.

ELLWOOD CITY COUNCIL, FRATERNAL PATRIOTIC
AMERICANS, No. 182,

[SEAL.]

G. S. MOOK, Secretary.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GLENN:

A bill (S. 4883) granting a pension to Annie Robins (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 4884) granting an increase of pension to Melissa F. Morris; to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 4885) for the relief of Paul D. May; to the Committee on Claims.

A bill (S. 4886) granting a pension to Julius Perkins; and

A bill (S. 4887) granting an increase of pension to Adaline E. Draper; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 4888) providing for the establishment in the Department of State of a board of foreign affairs and a Foreign Service school; to the Committee on Foreign Relations.

By Mr. BRATTON:

A bill (S. 4889) to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex.; to the Committee on Public Lands and Surveys.

A bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians; to the Committee on Indian Affairs.

By Mr. METCALF:

A bill (S. 4891) granting an increase of pension to Ella Reynolds (with accompanying papers); to the Committee on Pensions.

A bill (S. 4892) granting an increase of pension to Ellen F. Richards (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4893) granting a pension to Clara Belle Mathews (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 177) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast

Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Rules.

AMENDMENT TO PORTO RICAN RELIEF RESOLUTION—STRIKEN AREAS OF SOUTHEASTERN UNITED STATES

Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 172) for the relief of Porto Rico, which was ordered to lie on the table and to be printed.

AMENDMENTS TO BOULDER DAM BILL

Mr. HAYDEN submitted two amendments, and Mr. KING and Mr. PITTMAN each submitted three amendments, intended to be proposed by them to House bill 5773, the so-called Boulder Canyon Dam bill, which were severally ordered to lie on the table and to be printed.

PRISON-MADE GOODS

Mr. HAWES and Mr. STEPHENS each submitted two amendments intended to be proposed by them to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 15089, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert at the proper place in the bill, under the Bureau of Reclamation, the following:

"That such portion as may be necessary of the unexpended balance of the appropriation of \$50,000 for the survey and examination of water-storage reservoir sites on the headwaters of the Truckee and Carson Rivers, made available under the provisions of the second deficiency act, 1928 (Public, No. 563, Session Laws, 1st sess., 70th Cong., p. 902, Newlands project, Nevada), shall also be available for the boring of test wells in the Truckee Meadows, Washoe County, near the city of Reno, Nev."

ORDER OF BUSINESS

Mr. WARREN. Mr. President, I ask that we may now resume the consideration of House bill 14801, making appropriations for the Treasury and Post Office Departments.

Mr. TRAMMELL. Mr. President, is morning business yet concluded?

The VICE PRESIDENT. Morning business is not yet concluded.

Mr. TRAMMELL. I object, then, to the consideration of the appropriation bill before the morning business is concluded.

The VICE PRESIDENT. If there are no further bills and joint resolutions, the introduction of concurrent or other resolutions is in order.

HOWARD UNIVERSITY

Mr. TRAMMELL. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The Chief Clerk read the concurrent resolution (S. Con. Res. 26), as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States in signing the enrolled bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be, and the same is hereby, rescinded.

Mr. SMOOT. Mr. President, in my opinion the concurrent resolution ought to go to a committee.

Mr. TRAMMELL. Mr. President, on yesterday I made a motion to reconsider the vote by which the bill in question (H. R. 279) was passed on Monday. I made that motion within the time required under the rule, but it was necessary also to couple with it a request that the bill be returned from the House. It now develops that the bill had been signed by the Speaker of the House of Representatives and the Vice President.

In view of the fact that I made the motion within the time I was required under the rule to make it, it seems to me that we should have the privilege of having the signatures canceled and the bill returned from the House. I do not think it is advisable to have it delayed because if it is delayed then necessarily the bill would go to the President for his approval.

Mr. SMOOT. It being a concurrent resolution which the Senator has now introduced, it ought to go to a committee. The motion the Senator made yesterday has not been disposed of by the Senate. Therefore it seems to me the pending matter

constitutes a piece of legislation. If the committee want to do so, they can report it out this afternoon.

Mr. TRAMMELL. Mr. President, of course, that would go into the question of the merits of the whole proposition. I am trying to make effective the privilege which a Senator has under the rules, within two days after the passage of a bill, to make a motion that it may be reconsidered. That is the whole question involved—as to whether or not there is merit in having the privilege of making a motion and enjoying the benefits of the rule which provides that a Senator may make such a motion.

Mr. SMOOT. Under the rules, the concurrent resolution ought to be referred to the committee, and I ask that that be done.

The VICE PRESIDENT. The Chair will state that the pending concurrent resolution is not legislation in the sense that it calls for the expenditure of any money, and should, therefore, be referred to a committee.

Mr. SMOOT. If the Senator desires a vote right now, I have no objection to a vote upon the resolution.

The VICE PRESIDENT. It is in order to move a reconsideration of a bill within the time allowed by the rule, and to take the necessary steps to that end.

Mr. SMOOT. I myself think that the concurrent resolution ought to go to a committee, but if the Senator wants a vote I am ready to vote now on the resolution.

Mr. TRAMMELL. I should like to have it disposed of. The bill involved is a very important bill and it passed through the Senate with practically no consideration.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution submitted by the Senator from Florida.

Mr. MOSES. Mr. President, what the Senator says as to the importance of the bill is true; but, as a matter of fact, it has been here for a long time and has been objected to for well-understood reasons from time to time whenever it has come up. The sole purpose of the legislation is to relieve the Senate of a continuance of the farcical proceeding through which we have to go every time the appropriation bill containing the item for Howard University comes to us for consideration.

Mr. SMOOT. Let us have a vote on the resolution.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state his parliamentary inquiry.

Mr. FESS. Mr. President, is the pending question a motion to reconsider?

The VICE PRESIDENT. No; the question is on the adoption of the concurrent resolution offered by the Senator from Florida.

Mr. MOSES. Mr. President, I am entirely willing that the concurrent resolution shall be voted upon now. It can not be after the Senate's repeated performances in reference to the legislation involved that it will now take the action which the Senator from Florida demands.

The VICE PRESIDENT. In further reply to the inquiry of the Senator from Ohio, the Chair will state that the concurrent resolution merely authorizes the cancellation of the signatures of the Speaker of the House and the President of the Senate to the enrolled bill.

Mr. FESS. The effect of that would not be to reconsider the vote by which the bill has been passed. I understood the Senator from Florida to enter a motion to reconsider. So if we should adopt the resolution we would still have the motion to reconsider pending.

The VICE PRESIDENT. The next action would be that of the House on the request of the Senate to return the bill.

Mr. SMOOT. We might just as well have a vote now and dispose of it.

Mr. MOSES. That is what I understand the Senator from Florida desires, namely, to have the concurrent resolution acted on.

Mr. TRAMMELL. I entered the motion to reconsider yesterday.

Mr. HEFLIN. Mr. President, I have spoken to a number of Senators about this matter. I do not think as many as six Senators in this body knew what was passing at the time the bill was hurriedly passed. I want to ask the Senate why should this particular institution be singled out and the Congress committed to an appropriation for it from time to time while leaving out other educational institutions in the city of Washington? What is the purpose of it and where is the justification for it? I do not think if Senators had known what was in the bill at the time of its passage that it would have been passed. Why should Congress commit itself in advance to payments to this negro institution for years and years to come? If you are going to appropriate for this particular institution, why not let Congress decide at each session what it will do regarding the matter?

Mr. MOSES. Mr. President, if I may inject the statement, let me say that for 40 years or more each Congress has decided in the affirmative on this proposition, but we always have to go through the farcical proceeding of having the item stricken out in the House of Representatives on a point of order and coming here and being reinserted. The reason has been stated over and over again on the floor of the Senate why this institution receives Government aid. It is because it was, in the first instance, established by the Government, and gradually as the Freedmen's bureau went out of existence the Government took over the charge of the university.

Mr. HEFLIN. Then, the Senator proposes, it seems to me, to tie the hands of Congress in both branches, so that neither one of them or both of them can hereafter prevent an appropriation even if they desire to do so.

Mr. MOSES. No; any Congress which desires to repeal the act which has been passed could do so.

Mr. HEFLIN. I do not like the principle, Mr. President.

Mr. MOSES. And any Congress could withhold the appropriation, because if Congress is authorized to make an appropriation that does not mean that Congress must make it. We know of hundreds of cases in every session of Congress where ample authorization exists but an appropriation is not made.

Mr. HEFLIN. It is a piece of class legislation, singling out a particular institution, showing partiality above all other institutions in the District of Columbia, to this one institution, and it is committing the Congress now for all time hereafter to continue appropriations to this particular institution. It ought not to be done.

Mr. SMOOT. Mr. President, as the Senator from New Hampshire has stated, we have this question up every year on the appropriation bill in which the item for Howard University appears. I should like to have the Senate now express itself upon this question definitely and for all time so far as this matter is concerned. If some other Congress wants to repeal the law, it is just as easy to repeal it as it is to fight over the item every time it comes up.

Mr. TRAMMELL. I desire to say a word further. Howard University is not a public institution; it is a private institution, and was incorporated as a private institution. I do not like the idea of amending the law so as to commit the Congress to making appropriation to a private institution, whether it be Howard University or any other university. That is the reason why I desire to have the bill recalled and considered upon its merits. I would appreciate the opportunity of having the resolution considered at the present time.

Mr. BLEASE. Mr. President, I was in the Chamber when this bill was passed, and I knew exactly what was being done. I have on several occasions heretofore objected to the passage of the appropriation when it was reached, but this Congress and other Congresses have, regardless of the Constitution and regardless of whether it was right or wrong, by a considerable majority, voted to include the item in appropriation bills. When it has been objected to in the House and has been objected to in the Senate, the conference committee has replaced it and brought it back and the report has been adopted.

My opinion is that the people of this Nation just a few weeks ago indorsed the Republican Party very wholeheartedly. This has been a part of the Republican Party's policy and administration in the past. The people have indorsed that party, and I hope its action in this matter will stand. However, I shall vote for the reconsideration as that courtesy is due the Senator from Florida.

Mr. BRUCE. Mr. President, I desire to say that I for one fully understood the intent and purpose of this measure when it was passed by the Senate. I think that there ought to be some university in this country to which promising young colored men may go and without any social discrimination, obtain the requisite degree of professional training as lawyers, as doctors, and as dentists. The Howard University is such an institution, and, therefore, I trust that this bill will be enacted into law, and that the motion of the Senator from Florida will not prevail.

Mr. HEFLIN. Mr. President, there is an institution in this city known as the American University. White boys are working their way through college there; they are doing all manner of work in the District of Columbia in order that they may get degrees in law and in other professions. Does the Senator from Maryland want to discriminate against those white boys in favor of the negroes who are attending school at the Howard University? That is exactly what this measure does. There is no recognition of the American University for white boys, but the Senate is singling out this particular institution for its special favor.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Maryland.

Mr. BRUCE. Then, why does not the Senator offer an amendment including to some extent the other institutions which he has in mind?

Mr. HEFLIN. I prefer that we have an opportunity to work this matter out, take it before the Committee on Education, and prepare a general plan for the District of Columbia, rather than to pick out one institution for special favors of the Congress. I hope the motion of the Senator from Florida will prevail.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution submitted by the Senator from Florida.

Mr. MOSES and Mr. WATSON asked for the yeas and nays. The yeas and nays were ordered.

Mr. BINGHAM. Let the concurrent resolution be read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read the concurrent resolution (S. Con. Res. 26) submitted by Mr. TRAMMELL on December 13, 1928, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States in signing the enrolled bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be, and the same is hereby, rescinded.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution. On that question the yeas and nays have been ordered. The roll will be called.

The Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a pair upon this vote with the senior Senator from South Dakota [Mr. NORBECK], and therefore withhold my vote.

The roll call was concluded.

Mr. FESS. On this question I have a pair with the Senator from Maryland [Mr. TYDINGS]. I transfer that pair to the Senator from Massachusetts [Mr. GILLET] and will let my vote stand.

Mr. MOSES (after having voted in the negative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, I transfer that pair to the senior Senator from Vermont [Mr. GREENE] and will permit my vote to stand.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. If present, he would vote "nay."

Mr. BAYARD (after having voted in the negative). Has the Senator from Pennsylvania [Mr. REED] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BAYARD. I have a pair with the Senator from Pennsylvania. In his absence, I withdraw my vote.

Mr. JONES. I desire to announce that the Senator from Pennsylvania [Mr. REED] is detained on official business. If present, he would vote "nay."

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is detained by illness in his family.

Mr. SHEPPARD. I wish to announce that my colleague [Mr. MAYFIELD] is detained by illness.

Mr. HARRISON. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Arkansas [Mr. ROBINSON], the Senator from Louisiana [Mr. BROUSSARD], and the Senator from Virginia [Mr. SWANSON] are detained on official business.

The result was announced—yeas 14, nays 54, as follows:

YEAS—14			
Black	George	Overman	Stephens
Blease	Harris	Sheppard	Trammell
Bratton	Harrison	Simmons	
Fletcher	Heflin	Smith	
NAYS—54			
Ashurst	Frazier	Metcalf	Steiwer
Barkley	Glenn	Moses	Thomas, Idaho
Bingham	Goff	Neely	Thomas, Okla.
Blaine	Gould	Nye	Tyson
Brookhart	Hale	Oddle	Vandenberg
Bruce	Hawes	Phipps	Wagner
Capper	Jones	Pine	Walsh, Mass.
Caraway	Kendrick	Ransdell	Walsh, Mont.
Couzens	Keyes	Robinson, Ind.	Warren
Curtis	La Follette	Sackett	Waterman
Deneen	Locher	Schall	Watson
Dill	McKellar	Shortridge	Wheeler
Edge	McMaster	Smoot	
Fess	McNary	Steck	
NOT VOTING—27			
Bayard	Gillett	King	Reed, Mo.
Borah	Glass	Larrazolo	Reed, Pa.
Broussard	Greene	McLean	Robinson, Ark.
Copeland	Hastings	Mayfield	Shipstead
Dale	Hayden	Norbeck	Swanson
Edwards	Howell	Norris	Tydings
Gerry	Johnson	Pittman	

So the concurrent resolution was rejected.

ADDRESS BY SENATOR JOHN J. BLAINE ON FEDERAL INJUNCTIONS

Mr. WHEELER. Mr. President, I ask unanimous consent to insert in the RECORD a speech delivered by the junior Senator from Wisconsin [Mr. BLAINE] at Plankinton Hall Auditorium, Milwaukee, Wis., Friday night, November 16, 1928, on the subject of Federal injunctions.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

FEDERAL INJUNCTIONS

I have been invited on this occasion to address you on the subject of injunctions in labor disputes from the standpoint of what ought to be the public policy within the legislative domain.

The occasion that gives rise to the invitation extended me no doubt grows out of the fact that I am a member of the subcommittee of the Senate Judiciary Committee having under consideration and investigation this subject. I have sat for weeks on the hearings at Washington, and as the facts at those hearings developed there grew upon me the conviction that we are fast approaching a menacing system of government—government by injunction instead of government by law.

In the so-called courts of equity, or, rather, through the procedure within the equity jurisdiction of the courts, there has developed what has so well been termed "discretionary government by the judiciary." This discretionary power naturally grows, for when men are given discretionary power it is in the very nature of things that they seek more power.

Thus the discretionary power in the equity courts has been constantly extended until to-day it is invading the domain of government by law and until practically all men and women who work must live under a government by discretion, and without the protection of the law and the Constitution that hedges about the constitutional liberties of other classes of individuals.

These observations, however, in no way imply that the fault is with the judiciary alone. The substantive law of the land must come from the legislative branch. That department of government determines the public policy, and the responsibility for the enactment of laws or the failure to enact laws is a legislative responsibility.

The growing menace of government by injunction, or discretionary government by men must be laid to the door of the legislative branch of Government as well as to that of the judicial branch of Government.

Men in exercising discretion may act wisely or they may do a grave injustice, for after all, whatever the act may be, it is an act flowing from discretion. Therefore, if courts continue to extend the use of this discretionary power, it will be because the legislative branch of Government has failed to circumscribe and limit this discretionary power, called equity power.

It is said that this is a Government of checks and balances, and when the judiciary undertakes to abuse its discretionary power, such abuse should be challenged in the legislative halls of our Government until men and women shall be governed by law, and whose rights and liberties shall not depend upon the discretion of a single individual.

A government by a king is a government by individual discretion. It may be by a benevolent king or a despotic king. That theory of government was rejected on the birth of this Republic.

The injunctive process does not involve a question of excessive use of injunctions. The question involved, as I see it, is the existing evils of injunctions. It is not a question of numbers, it is a question of the character of injunctions. It is that question that the legislative branch of our Government is called upon to solve.

The hearings before our committee led to the inevitable conclusion that there is growing up in the United States, in the Federal judiciary, the theory that a human being, sitting upon the bench under life appointment, may take unto himself, if, in fact, it has not been granted to him by legislation, through the injunctive process, power to enforce criminal laws; powers that set aside the constitutional guaranties of free speech, free assembly, and trial by jury; power to control the lives and destiny of millions of working men and women, without giving them any adequate remedy at law. If this power is not restricted, and if the practice now prevalent in the Federal judiciary longer prevails, there will be brought about a judicial tyranny, grave and dangerous in its consequences.

Therefore the major political parties in the recent campaign have promised legislative action to correct existing abuses and to restore the structure of our Government to its foundation, into which was built the Declaration of Independence and the Constitution of these United States. To that task the legislative branch of Government is pledged.

It has been the consensus of opinion in this country that there should be legislative action. Congress is now applying itself to the solution of these problems. The Senate Judiciary Committee selected a subcommittee which had under investigation a solution at the last session of Congress. That committee has prepared a tentative bill.

The reasons that have given rise to the demand for a solution of the problems I have, in general terms and without specific reference to any case, outlined. I will now proceed to analyze the remedy proposed.

It is impossible to discuss within the limits of the time allotted me the proposed bill in any great detail. The committee has not attempted to destroy the judicial power to grant injunctive relief in labor dis-

putes, for two reasons: First, because if relief against wrong in one class of cases is withheld and relief against the same wrong in another class of cases is permitted, the legislative act would be unconstitutional and therefore futile. Second, it must be understood that there is an infinite variety of wrongs that may be done and irreparable injuries committed with respect to which injunctive relief may be the only adequate remedy.

In considering legislative and judicial reform we must take note of the revolution in industry that has taken place in less than a quarter of a century. Great combinations of capital are thrown together, combined under a corporate entity which has destroyed the last vestige of association of the workman with his employer. In the larger industrial plants the workman seldom ever goes by name, and is known only by a number. There is no intimate relationship between the workman and his employer in the vast multitude of cases.

The corporation by whom he is employed is often owned by stockholders who are absentees, many hundreds of miles distant from the industry, and who do not know the workmen nor do the workmen know them. The machine has further complicated the industrial world. The individual workman, therefore, no longer occupies a position of equal opportunity with his new employer, the soulless corporation.

There are other elements which I have not time to discuss which have changed the relationship between employee and employer, and all of which make the struggle an unequal one, with the overwhelming balance against the workman.

Therefore in the application of the so-called equity power, embracing the injunctive process, there is reasonable ground for classification where limitations upon the judicial power may be imposed, and such classification will find justification in the social and economic aspects of this industrial age.

The committee, having that classification in view, proposes to divide its tentative bill into two parts: First, the declaration of public policy, and second, injunctive procedural reform. The bill is not a complete labor code. It does not set forth all of the laws applicable to injunctions in labor disputes. It does not repeal the labor section of the Clayton Act, but merely supplements these provisions and clarifies the intent of Congress.

It is drawn upon the theory that Congress has authority to define and limit the jurisdiction of the Federal courts, other than the original jurisdiction conferred by the Constitution upon the Supreme Court. All inferior courts are creatures of the law, and it is within the power of Congress to prescribe their jurisdiction. The proposed bill limits this jurisdiction both with reference to the situations in which injunctions may be issued and the procedure which must be followed.

The bill recognizes that under "prevailing economic conditions developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual, unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor and thereby obtain acceptable terms and conditions of employment." That economic condition is a fact and, in my opinion, will be recognized by the courts as a fact.

To assure the workman an equality of opportunity the bill declares that the public policy of the United States is to grant to workmen full freedom of association, self-organization, and designation of representatives of his own choosing to negotiate terms and conditions of employment; and it further provides that he shall be free from the interference, restraint, or coercion of his employers or their agents, and under such freedom he may exercise the power of collective bargaining for mutual aid and protection.

To make that right something more than mere lip service and a mere abstract right as heretofore "yellow-dog contracts" are outlawed. One of the gravest abuses existing to-day in industrial relations, and one that has the most alarming development, is the so-called "American plan" of organization of workmen, which is nothing more or less than the employer's organization. The question is not one of the open shop, necessarily, but under the "American plan" employers may dictate every phase of the life of their employees and enforce the "yellow-dog contract" through injunctive process. As I said, the bill outlaws the "yellow-dog contract" and makes effective in actual practice the doctrine laid down by the Chief Justice of the United States in the *American Steel Foundries* case.

While it may be impossible for Congress to absolutely prohibit "yellow-dog contracts," what the committee proposes to do and which Congress has the power to do is to provide that such contracts shall not be enforceable, nor shall they afford any basis for the granting of legal or equitable relief.

You know what the "yellow-dog contract" is. It is a contract which prohibits the workman from joining or becoming or remaining a member of any labor organization. It is a contract which, when once executed, in effect entirely destroys every vestige of freedom of association.

Under section 4 of the bill the general scope of said section provides that in cases involving and growing out of labor disputes no person or persons participating and interested in such dispute shall be enjoined

from striking or from making strikes effective by methods not involving fraud or violence.

It also prohibits interference with labor unions in supporting strikes, again by methods free from fraud or violence. It does not provide that the acts enumerated are always lawful, but only that these acts shall not be prohibited by injunction. It is a limitation upon the use of injunctions in labor disputes to prevent such orders from being used to prohibit or cripple strikes in cases in which there is a bona fide dispute in which the participants have an economic interest, direct or indirect.

The right to strike is a necessary part of the freedom of association and self-organization. The right to strike is often the only way labor has of making effective the rights declared in the bill. No responsible labor leader advocates resort to strikes when other methods of gaining labor ends will prove effective; but in the last analysis working people must be free to strike or their freedom of association and self-organization is meaningless.

The section expressly permits collective action in the payment of strike benefits, unemployment insurance; permitting union members to aid other members, individually or collectively, in protecting their rights in the courts.

The proposed bill also permits the workmen to give publicity to strikes and to use persuasion and peaceful picketing. The right of peaceful assembly, the right to give notice of a contemplated strike, and the right of labor unions and officers and agents to give advice, to call a strike, and to support a strike, individually or collectively, are protected.

In the exercise of these rights no injunctive process can be used to defeat the workingman in these rights.

Most complaints in labor injunction cases are drawn upon the theory that the defendants have conspired to injure the property of the complainants or to restrain interstate commerce, or for some other unlawful purpose. While in the orders issued by the courts this conspiracy theory does not figure in every case, it is resorted to for the purpose of justifying sweeping injunctions and to give the Federal courts jurisdiction in those cases where there is no diversity of citizenship.

Conspiracy, as alleged in such cases, is a mere fiction. The individuals, acting as individuals, may follow a certain course, perfectly proper, involving neither fraud nor violence, and yet, if two or more persons do the same thing a conspiracy is alleged.

To prevent the use of the conspiracy theory, section 5 of the bill prohibits the Federal court from granting an injunction where workmen in concert perform the same acts that individuals may rightfully do; for example, an individual workman may pay toward strike benefits. No one can say that it is wrong to contribute money to the support of a fellow man who is out of employment. Therefore the law should say there is nothing wrong in two or more persons, in concert, paying aid toward the support of their fellow men who may be in distress.

Another very important provision, and a very necessary provision, is to extend the law of agency in labor cases. It is unjust to hold all members of a union responsible for every conceivable act of its officers and other members, merely because of membership in a union. It is also unjust to hold the officers responsible for everything that occurs during a strike, merely because they have general charge and direction. It is to estop abuses of this kind that an attempt is here made to apply the well-recognized rules of the law of agency to labor cases.

Turning now to procedural reform, the bill provides that no Federal court shall issue an injunction in labor disputes except after hearing the testimony of witnesses in open court with opportunity for cross-examination. Under the present practice, complainants go before a Federal judge, and upon the complaint and affidavits, at chambers—sometimes at the judge's home—obtain a temporary order, without any opportunity for cross-examination or defense. Under the bill, before a temporary restraining order may issue the court, from such public hearing and testimony, must find that unlawful acts have been committed and will be continued unless restrained, that substantial and irreparable injury to complainant's property will follow, that complainant has no adequate remedy at law, and then two other important findings, namely, that the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection, and these public officers must have an opportunity to appear before the Federal judge. The other proposition is comparative relief, and complainant must show that greater injury will be inflicted upon him by the denial of relief than will be inflicted upon defendants by the granting of relief.

This hearing can not be held until after due and personal notice has been given to all persons against whom relief is sought and to all public officers charged with a duty to preserve the peace.

It is provided, however, that a temporary restraining order may issue without notice in cases where substantial and irreparable injury will be unavoidable, but such temporary restraining order must be supported by testimony under oath that would justify the courts in issuing a temporary injunction upon a hearing. Such temporary restraining order, however, shall be effective no longer than five days, and thereafter void.

Under the present practice a temporary restraining order may be issued upon affidavits, without full hearing, and the merits of such order may not actually be determined for many months, long after the

occasion for the order has ceased. But under the provision of the proposed bill a temporary restraining order expires at the end of five days. It can not be renewed.

Moreover, no restraining order or injunctive relief can be granted unless the complainant comes into court with clean hands, showing that he has complied with all obligations imposed by law, and that he has made every reasonable effort to settle the dispute, either by negotiation or through available governmental machinery of mediation or arbitration.

Whenever a temporary restraining order or temporary injunction is issued, the court must make a finding of fact and file its finding prior to the issuance of such order or injunction.

Whenever a Federal court has entered judgment granting or denying a temporary injunction, the court shall, upon the request of any party to the proceedings, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the Circuit Court of Appeals for its review. The Circuit Court of Appeals must give precedence to that case over all other matters except older matters of the same character. That provision will hasten final judgment and prevent the interminable delays under the present procedure.

The bill guarantees to every person accused of an indirect criminal contempt for violation of a restraining order or injunction the right to a speedy and public trial by an impartial jury, the exception being as to contempts committed in the presence of the court or so near thereto as to interfere with the administration of justice, or as to misbehavior, etc., of officers of the court.

The bill includes other technical matters with reference to definitions, etc., which I shall not discuss.

As I see this proposition, the bill, if enacted into law, will prevent the abuse of the injunctive process, whether that abuse comes through the misguided discretion of Federal judges or through the past failure of Congress to enact proper laws.

There is one grave omission in the bill. I shall call your attention to that omission and also the committee's attention to that omission.

I am sure there will be a unanimity of opinion that the law respecting punishment for contempt should be modified. Under our Federal judicial code, where a person has been found guilty of a contempt, judgment shall be entered prescribing the punishment, either by fine or imprisonment or both. The law presently provides: "Such fine shall be paid to the United States or to the complainant * * * but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000, nor shall imprisonment exceed the term of six months."

You will note that where the fine is to be paid to the United States, the maximum fine is \$1,000 and the maximum term of imprisonment is six months. Where the fine is to be paid to the complainant there is no limit upon the amount of the fine nor is there a limit upon the term of imprisonment.

In other words, under the present law, if the dignity of the court is violated, if there is willful, contemptuous conduct with respect to the authority and dignity of the court, if an arm of Government, in its governmental capacity, is held up to ridicule and disrespect, and if that arm of Government is paralyzed through force and coercion or intimidation, then the offender can be punished with a fine of not exceeding \$1,000 or imprisonment not exceeding six months. That is one side of this peculiar law. Now let us look at the other side of it.

If a private complainant has obtained an injunction prohibiting picketing, we will say, within certain circumscribed area or prohibiting grimaces at strike breakers or poking fun at the family of strike breakers or calling such strike breakers "scabs," then the law permits a court to assess a fine without limit and to impose a prison sentence without limit or to prescribe both a fine and imprisonment without limit, in the discretion of the court.

The mere statement of the facts is sufficient condemnation of the present law. That part of the judicial code should be amended. In my opinion, the right of a court to impose a fine payable to the complainant, as provided under the present judicial code, should be repealed.

If any damage is done to a complainant, he has an adequate remedy at law, and he should be required to pursue that remedy as all other persons, under all other circumstances, are now restricted to the remedy at law.

Therefore it is not that the court is to blame in the exercise of the power conferred by law where the law is wrong in conferring such power. Whether a judge has abused the exercise of that power or abused his discretion becomes a debatable question in each particular case. There should be no such power in any case and then there would be no debatable question.

The bill which I have discussed may not be a perfect bill. It may not accomplish all that is claimed for it, but if that bill, with the suggested amendment and some other minor amendments relating to formal, technical matters, becomes a law, in my opinion it will effectually strip the Federal courts of their power to misuse and abuse the injunctive process in labor disputes.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The VICE PRESIDENT. The morning business is closed.

Mr. WARREN. Mr. President, I ask that the appropriation bill be taken up, and that the item under discussion when we adjourned yesterday be laid aside for the present.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. McKELLAR. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Wyoming asks unanimous consent to take up the appropriation bill, and that the item under discussion at the end of the session of yesterday be temporarily laid aside.

Mr. DILL. Why lay it aside? Why not decide the matter now?

Mr. McKELLAR. I hope the Senator from Washington will defer the matter for the present. Just let it be laid aside.

Mr. DILL. I do not want this item to be brought up at some later time without notice to Senators.

Mr. McKELLAR. I assure the Senator that it will not be. I assure him that there will be a roll call.

Mr. SMOOT. If the Senator desires, I will assure him that before any action is taken on it he or his office will be notified.

Mr. DILL. I think the Senate ought to be notified by a quorum call if it is going to be laid aside.

Mr. WARREN. The chairman of the committee, of course, would much prefer an immediate vote, but in order to get along with the bill I have asked consent to lay aside that particular matter; and it is not proposed to take it up in the absence of Senators without proper quorum call to bring about their presence.

Mr. DILL. May I have the assurance that Senators will be notified by a quorum call when the item is taken up?

Mr. SMOOT. Yes; that will be done if the action taken in regard to it is not satisfactory to the Senator.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WARREN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 14, after the word "act," it is proposed to insert "as amended," so that it will read:

compensation rates specified for the grade by such act as amended, and in grades in which only position is allocated—

And so forth.

Mr. McKELLAR. May I ask the chairman of the committee whether that is a committee amendment?

Mr. WARREN. I prefer that the Senator look at it. It amounts to nothing except that it includes the act as amended; that is all.

Mr. McKELLAR. May the proposed amendment be stated again?

The VICE PRESIDENT. The amendment will be restated.

The CHIEF CLERK. On page 2, line 14, after the word "act," it is proposed to insert the words "as amended."

Mr. McKELLAR. That is all right.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

THE COTTON CROP

Mr. HEFLIN. Mr. President, a few days ago, when the Government's estimate of this year's cotton crop was made public, I wired to the commissioners of agriculture of the various cotton-growing States to give me their opinion as to the number of bales remaining to be ginned in their respective States. I was of the opinion that the Government's estimate was too large, and the Senators from the cotton-growing States with whom I talked agreed with my position in the matter. I wired the commissioners, and the telegrams that I have received from the commissioners of agriculture in the cotton-growing States show that the Government's estimate of the 1928 cotton crop is too large by at least 500,000 bales. The Government's estimate placed the number of bales of this year's crop at 14,373,000 bales. The Government's gin report of cotton ginned prior to December 1 was 12,561,000 bales. In order for this cotton crop to reach the Government's estimate of 14,373,000 bales it would necessitate the ginning of 1,812,000 bales after December 1 to the end of the season. Everybody familiar with cotton production knows that cotton is matured and practically all of it gath-

ered and ginned before December 1. And this year more nearly than any other year recently the cotton crop was nearly all gathered and ginned by December 1. The boll weevil did a great deal of damage in some States, and in some others the wet weather caused a vast number of cotton bolls to rot; and on top of that there was no top crop this year.

The average number of bales ginned after December 1 for the last eight years is 1,576,000 bales, and the number of bales ginned last year after December 1 was 1,044,000 bales; and, I repeat, that in order to reach the Government's estimate it would be necessary to gin after December 1 this year 1,812,000 bales. And, Mr. President, the cotton is not there to be ginned. I have received telegrams from the commissioners of agriculture in the following cotton-growing States, giving, in their opinion, the amount of cotton remaining to be ginned after December 1 this year:

Alabama	46,000
Arkansas	None.
Florida	None.
Georgia	40,000
Mississippi	126,000
North Carolina	100,000
South Carolina	40,000
Louisiana	12,000
Oklahoma	230,000
Texas	500,000
Total	1,094,000

If we should allow 100,000 for Arkansas—and I do not think there will be half that much there remaining to be ginned—the total will be 1,194,000 bales.

The total amount remaining to be ginned, according to the opinion of these commissioners in the cotton-growing States, is 1,194,000 bales, allowing 100,000 bales for Arkansas. That is 718,000 bales less than the Government's estimate of cotton remaining to be ginned after December 1.

Mr. President, I contend, as do hundreds and thousands of others in the cotton-growing States, that the Government estimate is too large by at least half million bales, and I believe that the final gin reports will justify this contention.

Mr. President, I wanted to put these facts in the RECORD, and I want to read in that connection a statement from the Government regarding the production of cotton all over the world in 1927 and the consumption of cotton in the world for 1927 and up to August 1, 1928. I do that because when the Government's estimate of the cotton crop was made public it broke the price of cotton about four or five dollars a bale. There was no occasion on earth for it, because the statistical position of cotton justified an advance in price.

I will read the Government's statement:

The estimated world production of commercial cotton, exclusive of linters, grown in 1927, as compiled from various sources, is 23,370,000 bales, counting American in running bales and foreign bales of 478 pounds, while the consumption of cotton, exclusive of linters, in the United States for the year ending July 31, 1928, was approximately 25,285,000 bales.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14801), making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDENT pro tempore. The clerk will report the next amendment of the Committee on Appropriations.

The next amendment of the committee was, on page 13, line 8, in the items for the Bureau of the Budget, after the word "Director," to strike out "\$10,000" and to insert in lieu thereof "\$12,000."

Mr. McKELLAR. I understand that goes over.

The PRESIDENT pro tempore. The Chair understands that this amendment is to be passed over, as is also the second amendment on the same page, line 15, where in the total the committee proposes to strike out "\$171,000" and insert in lieu thereof "\$173,000."

The reading of the bill was continued.

The next amendment was, under the subhead "Office of Treasurer of the United States," on page 15, at the end of line 4, to strike out "\$1,170,000" and insert "\$1,176,000," so as to read:

Salaries: For Treasurer of the United States, Assistant Treasurer, and for other personal services in the District of Columbia, \$1,176,000.

The amendment was agreed to.

Mr. BLEASE. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. Is it an amendment to a committee amendment?

Mr. BLEASE. No; it is an amendment to the section itself.

The PRESIDENT pro tempore. That can not be considered under the unanimous-consent agreement until the committee amendments have been agreed to.

Mr. BLEASE. Then I move to strike out the entire section under the head of "Federal farm loan bureau."

Mr. McKELLAR. On what page is that?

Mr. BLEASE. Page 14.

The PRESIDENT pro tempore. That amendment will not be in order until the committee amendments have all been disposed of.

Mr. BLEASE. My motion is to strike out the entire section under the head of "Federal farm loan bureau."

The PRESIDENT pro tempore. The Chair can not permit the Senator's motion to be entertained under the unanimous-consent agreement already entered into.

Mr. BLEASE. That motion can be entertained, and I make that motion. I move to strike out the whole section.

The PRESIDENT pro tempore. Of course, the Senator can be heard, but the Chair can not entertain his motion under the unanimous-consent agreement.

Mr. BLEASE. Then, Mr. President, I will be heard awhile.

At the last session of Congress I introduced a resolution in the Senate asking that the Federal Farm Loan Bank at Columbia, S. C., be investigated. I went before the Committee on Banking and Currency, and there was a person there said to be Mr. Eugene Meyer. I left the committee room because I saw very plainly that I was not going to receive the proper consideration, as I considered it, from the members of the committee present. I then came upon the floor of the Senate and insisted upon an investigation of the Farm Loan Bank at Columbia, S. C.

I know that Mr. Arnold, the man who is at the head of that bank, was sent from the Atlanta (Ga.) penitentiary, in some position, to Columbia, S. C., to that bank. Two years ago, when the losses which have since been found to exist in that bank were made known, Arnold came to Washington, went before the Federal board, and acknowledged the losses, said that there were other losses yet to come, and stated that he did not want anyone else to blame for it, that it was entirely his fault.

The board endeavored to get him a first-class banker to help him in his work. He absolutely refused to do so, and tendered his resignation. The board saw that to accept his resignation would lead to a conflict which would not be beneficial to the Government interests, between the board and the directors of that bank. Consequently the board gave in.

Arnold passed personally on the different claims coming into his bank for loans, declined to consult anybody, and made loans on property which was perfectly worthless, and declined loans in several instances which would have been perfectly secure, and by which no loss could have come to the Government.

Arnold had had no banking experience up to the time he was put into that position, knew absolutely nothing about the details of running a bank, but was simply stubborn, even in his dealings with the Federal Farm Loan Board.

I am informed that no one around the bank could get along with him unless he simply bowed to his arbitrary rule and manner.

That information came from a member of the Federal Farm Loan Board, for whom I asked the committee to send, and to let testify before them, but which they did not do.

Mr. President, the committee made a report, and the resolution is now on the calendar, No. 1165. In their report they made statements which on examination have proved to be absolutely incorrect.

When I saw that I could not get this examination made, and when the farmers of my State were being deliberately robbed by the Government of the United States through its agents, a set of men calling themselves experts and bookkeepers, and three secret-service men, were sent to Columbia, S. C., and went into the examination of these banks.

The head of that detective agency, I am told, the chief man now making the investigation, is a Mr. Thomas, whose headquarters are at Charlotte, N. C. I want to state facts. I want the Senate to know the facts. That is why I call these men's names.

I am reliably informed that they have discovered millions of dollars of losses. I am reliably informed that there was one mortgage actually accepted that was given on the big road that belonged to the State of South Carolina, and still belongs to them, included in the boundary in order to make out the acreage necessary to get the money.

Without any investigation, without properly looking into the matter, this man loaned the bank's money indiscriminately to friends, pets, favorites. Then the Committee on Banking and Currency reported. This man, Meyer, who, I knew by his

conduct before that committee, was a tyrant, and who, I knew, did not know what he was talking about, appeared before the committee. I had information in my possession then that the statements made by Meyer before the committee were absolutely false. If he did know the condition, he attempted to falsify the record; if he did not know it, he is too ignorant to be a member of this board. He should have known it.

The committee make other statements in this report which I do not care to take up the time to read.

Mr. WHEELER. To what Meyer has the Senator reference?

Mr. BLEASE. They told me his name was Eugene Meyer. I have seen him but once, but they told me who he was. I do not know whether that is his name or not. I know that if you can judge by a man's general make-up and appearance, that man has no business dealing with money matters at all. I do not know whether he could discriminate between another man's money and his or not, if he were handling both.

The investigation was refused. After one of the cashiers had gone into court and plead guilty and had gone to the penitentiary—and he is there now, in Atlanta; after another one in a branch bank in Columbia committed suicide; and after some other transactions were made known here, then somebody decided that they would send down and investigate this bank.

Any board that runs its business as the record shows this board looked after the affairs of that bank in Columbia, and its subsidiary, is not fit to be in office. I do not know who composes the board.

When I came into the Senate and asked the Senate, on behalf of the farmers of my State, to make that investigation, this committee not only refused to recommend that it be made but they came here with a report disapproving it. Then, after this rascality and fraud were uncovered, now investigators are down there. If you do not believe it, wire to Columbia and ask if there are bookkeepers and experts and Secret Service men right there at this time in these two banks investigating just what I asked the Senate to investigate a year ago.

I am not surprised at the conditions.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BLEASE. I yield.

Mr. WHEELER. Most of this took place, however, before Eugene Meyer came on the board, did it not?

Mr. BLEASE. I hope so. I would not like to know that he is what I think he is. If he did, I would have a better opinion of him than I have. I have a poor one of him now, publicly expressed and privately thought. I know he came before that committee and prevented this investigation.

Mr. President, when that banking law was up for discussion I was not a Member of the Senate, but I held a position in my State. I made the statement then, which is in writing and in print, that that law would be used so as to be a detriment to the farmers of my State, just as all other such like laws of the National Government along this line are—for the benefit of favorites—and that the banks which received the money would lend it in their respective communities to their favorites and friends. Just as I predicted then, the investigation to-day has shown to be the fact beyond a doubt.

I have made this motion. Of course, I realize that the Senate is not going to strike this section out. I realize that the amendment which I am going to offer probably will not be adopted. It is an amendment to give relief to the poor people whose property is being sold under mortgages to-day, whose wives and children are being turned out into the road. I want to know what the Government is going to do about it; who is going to occupy these lands? These people, as my colleague said here yesterday—and he did not overdraw the picture one word—are not able to pay these mortgages. They could not pay them. If they were going to be beheaded in 10 days or pay these debts, they could not pay them unless some friend would come to their rescue.

The Government has put a good deal of this land on the block, and there is more to follow. They bid it in, and the Government is becoming a large landholder in my State. Who is going to occupy it, and what are they going to do with it?

I take the position that if these people were encouraged, if they were given more time until their crops could be harvested, they would be able to take care of the situation. But some one says, "Oh, yes; if they made a big cotton crop, but that is too uncertain." In the upper part of the State of South Carolina they ask no favors of anybody, but in the storm-stricken section, of which my colleague, the senior Senator from South Carolina [Mr. SMITH] spoke on yesterday, the people can not help themselves. It is a fact that they are selling everything on their farms that they can get their hands on that is salable to buy meat and bread. Some of them are going so far as to have to

kill the last chicken on their farms in order to get meat to eat. Some of the people in that part of the State will go to bed to-night, as children went to bed last night, without sufficient food.

Mr. WHEELER. Are they enjoying the Coolidge prosperity?

Mr. BLEASE. Yes; they are enjoying the Coolidge prosperity very much, and I suppose the Senator has noticed by their votes that they did not appreciate the Hoover chocolates.

Mr. President, I say that if this land bank is in the condition which will be shown by the Government's report itself, it is not right to push these people to the wall and sell their property and turn them out in the streets and let the land lie idle because there is no one to use it.

Mr. CARAWAY. Mr. President, may I ask the Senator from South Carolina a question?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. BLEASE. I yield.

Mr. CARAWAY. Has the Senator a resolution for an investigation?

Mr. BLEASE. I did have, but I did not get very far with it and I did not get anything out of it.

Mr. CARAWAY. Has he introduced it again?

Mr. BLEASE. No. I am now trying to get something to help my farmers.

Mr. CARAWAY. The whole system, it strikes me, might very well be inquired into.

Mr. BLEASE. I thank the Senator for the suggestion. I think so myself, especially if Eugene Meyer is going to stay on the board.

Mr. CARAWAY. I know that the situation with reference to the farm land bank in St. Louis is such that it is becoming absolutely impossible for some communities to do business with it at all. I would be very glad to see the entire system inquired into to find out if it is not possible to make it serve the farmers instead of serving the salary drawers. If the Senator contemplates introducing his resolution again, I would be very glad.

Mr. BLEASE. I will state to the Senator that the resolution is now on the calendar with an unfavorable report.

Mr. CARAWAY. Let us get a vote on it.

Mr. BLEASE. This is the amendment which I am now submitting:

That the said board shall instruct the officials of banks under its control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929.

I have in my hand a letter from the sheriff of Clarendon County, S. C., which I will not read, but I would like to have it inserted in the RECORD as a part of my remarks. I also have a letter from Hon. Phillip H. Arrowsmith, and attached thereto certain correspondence with him, including the reply of the Department of Agriculture, in which Mr. Marvin, who seemed to be the Acting Secretary at the time, said he could not be of any assistance as matters now stand; also a letter from the chairman of the board of county commissioners of the county of Horry, in South Carolina, inclosing a copy of a resolution passed by the county commissioners of that county, all of which I ask may be printed in the RECORD in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The documents referred to are as follows:

OFFICE OF J. EDWARD GAMBLE,
Manning, S. C., December 10, 1928.

HON. COLE L. BLEASE,

Senator for South Carolina, Washington, D. C.

MY DEAR SENATOR: I notice that Congressman H. P. FULMER has introduced in Congress a bill to provide aid for the farmers of the stricken area of South Carolina. As you are somewhat familiar with general conditions in this section, I feel that the bill will have your sympathy and support. I desire to furnish you with the following information.

As sheriff of Clarendon County I am in a position to realize the dire need of the farmers in this county. Within the past three months I have sold under foreclosure 51 tracts of land and over 400 homes and tracts of land for delinquent taxes. I now have on hand several thousand tax executions against personal property. In addition to this I understand that several hundred foreclosures against homes and farms are now pending.

I know of my own knowledge that literally hundreds of small farmers are compelled to sell their grain, poultry, and livestock, which is badly needed on the farms, in order to exist from day to day. It is also a fact that hundreds of farmers have no funds with which to buy seeds

and fertilizer, and it will be utterly impossible for them to produce a crop unless they immediately receive aid from such a source as is proposed in the bill.

With kindest personal regards, I am,
Sincerely yours,

J. E. GAMBLE,
Sheriff of Clarendon County, S. C.

FLORENCE, S. C., October 13, 1928.

Hon. COLE L. BLEASE,
Pendleton, S. C.

MY DEAR SENATOR: I inclose copy of letter which I have just received from our county demonstration agent and copy of letter which I have written to Doctor Lewis, the State veterinarian.

My investigation and observation leads me to the conclusion that a widespread distress throughout the overflow areas which constitute a very large part of the county can not be overstated. There are many families now whose entire crops have been wiped out. They have no potatoes, peas, corn, or any fall vegetables, and, of course, no money crop. Just at present they are going about from field to field picking cotton in the higher sections of the county, out of which they are living from day to day. In 30 days this opportunity to work will be over and God only knows what is going to happen to them. In this flooded area there are a large number of hogs. The farmers for the most part are illiterate and have never appreciated either the value of a hog or the necessity of inoculation against cholera. But this year, when the hog is a vital cog in the cycle of life, he has awakened to this necessity from the prevalence of cholera as an epidemic only to find that he is deprived of its benefit through his inability to pay for the serum.

The county and Federal Governments combining are spending substantial sums to carry on this educational work, and the opportunity is present to bring it to a splendid climax, but the funds to accomplish this result and to save the remaining vestige of food to these flood sufferers is absent. It would probably not cost more than \$15,000 to buy all the serum necessary to inoculate all of the hogs in the county which have not been inoculated. The county hasn't the funds because every available fund has been utilized to make the roads and bridges passable, and it is a conservative estimate, I believe, that the county will not collect more than 50 per cent of the taxes this year. Therefore, you see that the county is helpless. The State, as you know, has no appropriation out of which to give aid in this situation. I am appealing to you, and I know in advance that I will have your heartiest cooperation in presenting this matter to the Department of Agriculture or the Bureau of Animal Industry to supply us with the serum so that our State veterinarian, in conjunction with our county demonstration agent, can immediately embark upon the execution of this program. What with pellagra, tuberculosis, hog cholera, and attendant ills, it just seems that we are almost overwhelmed. We must have help, and I know of no one that I can appeal to in behalf of my people other than you with any foundation to hope for success.

I know that you will help us if you can.
Believe me.

Sincerely and cordially yours,

P. H. ARROWSMITH.

WASHINGTON, D. C., October 17, 1928.

Hon. PHILIP H. ARROWSMITH,
Attorney at Law, Florence, S. C.

DEAR MR. ARROWSMITH: Senator BLEASE has your letter of the 13th instant, together with inclosed copy of letter received by you from the Florence County demonstration agent, and copy of letter which you have written to Doctor Lewis, the State veterinarian.

In reply I am pleased to advise you that this matter is to-day being placed before the United States Department of Agriculture, and that Senator BLEASE will be glad to do all that he can for the relief of his constituents affected by the trouble you mention.

You will be further advised immediately upon receipt of word from the department. Hoping that this office may be of service in this emergency and with assurances of the Senator's good wishes and high personal esteem, I have the honor to be, sir,

Very respectfully,

JOHN D. LONG, Secretary.

WASHINGTON, D. C., October 17, 1928.

Hon. WILLIAM M. JARDINE,
The Secretary of Agriculture, Department of Agriculture,
Washington, D. C.

MY DEAR MR. SECRETARY: Senator BLEASE is advised that there is a widespread distress throughout overflow areas from recent floods in Florence County, S. C. Crops have been generally destroyed and there is actual want and suffering.

In this flooded area there are a large number of hogs. Heretofore the farmers do not appear to have appreciated the value or the neces-

sity of inoculation against cholera. This year he has awakened to this necessity from the prevalence of cholera in the proportion of an epidemic only to find that he is deprived of its benefit through inability to pay for the serum.

The county and Federal Governments combining are spending substantial sums to carry on educational work, and the opportunity is present to bring it to a splendid climax, but the funds to accomplish this result and to save the remaining vestige of food to the flood sufferers is absent.

It would probably not cost more than \$15,000 to buy all the serum necessary to inoculate all the hogs in Florence County which have not been inoculated.

The county has not the funds, because every available fund has been utilized to make roads and bridges passable, and it is a conservative estimate that the county will not be able to collect more than 50 per cent of the taxes this year. Therefore the county is helpless, and the State has no appropriation out of which to give aid in this situation.

The Senator will, therefore, appreciate all the cooperation and assistance that the Department of Agriculture and the Bureau of Animal Industry can furnish to supply this county with serum, so that the State veterinarian, in conjunction with the county demonstration agent, can immediately take steps to save the situation.

Inclosed for your information are the copies of two letters relative to this matter, which the Senator will thank you to kindly return for his files upon the completion of your investigation.

Thanking you for your courtesy and with assurances of the Senator's high esteem, I have the honor to be, sir,

Very respectfully,

JOHN D. LONG, Secretary.

FLORENCE, S. C., October 13, 1928.

Dr. W. K. LEWIS,
State Veterinarian, Columbia, S. C.

DEAR SIR: I am taking the liberty of addressing you in connection with hog cholera in Florence County. You are probably aware that our farming population has labored under tremendous difficulties and against overwhelming circumstances during this entire year, all of which reached its climax in the storm of September 17, which has left a large part of this county in the worst condition that I have ever known; and, as I am advised by some of the older farmers, the worst that they have ever experienced.

As a concomitant of the excessive rains and flood conditions to add to their distress, there seems to be an epidemic of hog cholera prevalent, particularly in the flooded areas of the county.

It was my information that pellagra was on a rapid increase and, in order to check up on this situation, I wrote to the chairman of each board of school trustees in the county, asking them to make a survey of the conditions of their district and report to me at a meeting which was held on yesterday afternoon in the courthouse. Thirty-eight of the 57 chairmen attended. A general discussion of conditions was engaged in, and I learned for the first time the extent of the distress and the alarming magnitude of the loss from hog cholera. Under existing conditions every hog possible should be saved for its food or money value. In order to save the hogs they must be inoculated. In the areas where inoculation is most needed the farmers haven't the money with which to pay for the serum. I have conferred with our county agent, Mr. J. Ward McLendon, who manifests the keenest interest in this situation and who has written me, as per copy inclosed. His own information and observation corroborates the extent of the ravages from cholera and the vital necessity of prompt and effective action. In our dilemma we, naturally, turn to you for help. I am exceedingly anxious to know if there is any way for your department to supply the quantity of serum necessary to carry on an intensive, intelligent, county-wide hog-inoculation campaign, with the school district as the unit; and, if this quantity of serum is available, how many men you can put in the field to do this work for us. I understand that we have to pay for the serum, but that you furnish the veterinarians without cost. In addition to the immediate and vital needs in this direction, the opportunity is apparent for an educational campaign that will be of untold value in the future. Of course, I expect nothing less than your heartiest and most sympathetic cooperation.

I am sending a copy of this letter to Doctor Sikes and Doctor Long at Clemson College, inclosing copies of Mr. McLendon's letter, and am also writing to Senator BLEASE, inclosing to him copies of the record and urging his assistance in the financing of this undertaking.

Will you please let me hear from you at your earliest possible convenience.

Very truly yours,

PHILIP H. ARROWSMITH.

FLORENCE, S. C., October 13, 1928.

Hon. P. H. ARROWSMITH,
Florence, S. C.

DEAR SENATOR ARROWSMITH: I regret very much that I was unable to attend your meeting on yesterday of the chairmen of the 57 school dis-

tricts board of trustees in this county. I was unavoidably prevented from attending.

I learned with interest the reports that were made to you as to the hog cholera condition in this county. I do not think that it has been overstated and I feel sure that it is true that a high percentage of the farmers who have hogs that are not inoculated haven't the money with which to buy the serum at this time. I hope that you will continue your interest in this matter and make some arrangement whereby the needy farmer with hogs which have not been inoculated may be assisted. I am convinced that the hog crop is an important factor in the life, health, and welfare of our farming population. The ravages from cholera are tremendous and are the greatest drawback that we face in putting over our livestock program. If there is anything that I can do, do not hesitate to call upon me.

In this connection, I suggest that you write to Dr. W. K. Lewis, Columbia, who is the inspector in charge of this department of Clemson College Extension activities. Of course you know that where a State veterinarian can be obtained he makes no charge for inoculating, the farmer having only to pay for the serum and the cost of the serum is dependent upon the size of the hog, ranging from 50 cents to \$1.

Very truly yours,

J. WARD McLENDON, *County Agent.*

DEPARTMENT OF AGRICULTURE,
Washington, October 24, 1928.

HON. COLE L. BLEASE,
United States Senate.

DEAR SENATOR BLEASE: Receipt is acknowledged of letter from your secretary of October 17 asking that the department arrange to furnish the necessary serum to inoculate the hogs of Florence County, S. C., so as to protect them from cholera.

While the department is very sympathetic with the citizens of the county in their present condition, there is, as you are probably aware, no fund available from which it could pay for serum to be used for the purpose suggested. The appropriation act for this department specifies the uses to which the moneys provided therein are to be put, and it is not legal to use any of those funds for any other purposes than the ones stipulated in the law. I am sorry, therefore, that the department is powerless to aid the citizens of Florence County in the manner outlined.

The two letters inclosed with your secretary's communication are returned as requested.

Sincerely yours,

C. V. MARVIN, *Acting Secretary.*

(Copy mailed October 25, 1928. John D. Long.)

COMMISSIONERS' OFFICE, HORRY COUNTY,
Conway, S. C., October 5, 1928.

SENATOR COLE L. BLEASE,
Washington, D. C.

DEAR SIR: I herewith send you a copy of resolution passed by the county commissioners at their last meeting asking your cooperation in securing relief for the sufferers from the recent West Indian hurricane.

We feel assured that you will do all you can to help in this cause.

Yours respectfully,

GEO. OFFICER, *Clerk.*

OFFICE OF COUNTY COMMISSIONERS, HORRY COUNTY, S. C.,
Conway, S. C., October 2, 1928.

STATE OF SOUTH CAROLINA,
County of Horry:

Whereas it has been called to the attention of the county board of commissioners that several sections of Horry County have been flooded during the recent flood and many farms have been completely overflowed with water still standing on same, and all of the crops and provisions of many of the people in the county have been completely destroyed and lost; and

Whereas it appears that this condition has existed along the Waccamaw, Lumber, and Little Pee Dee Rivers and in a part of Socastee Township and over a great part of Bucks Township; and

Whereas several families are now homeless by reason of the flood and many families where the water has receded are left destitute and without provisions; and

Whereas it is necessary that some immediate relief be given to those in this condition: Now, therefore, be it

Resolved by the county board of commissioners, That the honorable Senators from South Carolina in the United States Senate and the honorable Congressman from the sixth congressional district of South Carolina be, and they are hereby, requested and petitioned to render such assistance and secure such relief from the Government as they may be able to secure; be it further

Resolved, That the press of Horry County be requested to render such assistance as it may in securing this relief; be it further

Resolved, That the Red Cross of Horry County be requested and petitioned to render such assistance and aid as it may be able to render in securing provisions for needy families and those suffering in this calamity.

G. W. KING,
Chairman County Commissioners,
S. C. DAVIS,
Commissioner, Horry County.
J. F. HARPER,
Commissioner, Horry County.

Attest:

GEO. OFFICER, *Clerk of Board.*

I, George Officer, clerk of the county board of commissioners of Horry County, do hereby certify that the foregoing resolution is a true copy of the resolution duly adopted by the county board of commissioners of Horry County on the 2d day of October, A. D. 1928.

[SEAL.]

GEO. OFFICER, *Clerk of the Board.*

MR. WHEELER. Mr. President—
The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Montana?

MR. BLEASE. I yield.

MR. WHEELER. If the Senator will pardon an interruption, I would suggest, as the Senator from Arkansas [Mr. CARAWAY] suggested, that he should push his resolution to investigate the bank in South Carolina. If he does so, I will gladly join with him, and I would like to see it include also the Federal land bank in Spokane, as well as the one which the Senator from Arkansas suggested, the Federal land bank in St. Louis.

MR. BLEASE. I will assure the Senator from Montana that as soon as the resolution is reached on the calendar I shall certainly ask the Senate for a vote on it and shall be glad to accept any amendment that the Senator from Arkansas or the Senator from Montana or any other Senator might see fit to offer.

The PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment of the Committee on Appropriations was, on page 15, lines 2 and 3, to strike out the words "Assistant Treasurer" and insert in lieu thereof "two Assistant Treasurers," so as to make the sentence read:

Salaries: For Treasurer of the United States, two Assistant Treasurers, and for other personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Internal Revenue," on page 16, line 23, after the word "agents," to strike out "\$34,500,000" and insert "\$34,703,870," so as to read:

Collecting the internal revenue: For expenses of assessing and collecting the internal-revenue taxes, including the employment of a Commissioner of Internal Revenue at \$10,000 per annum, a general counsel for the Bureau of Internal Revenue at \$10,000 per annum, an assistant to the commissioner, a special deputy commissioner, three deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, clerks, janitors, and messengers in the District of Columbia, the several collection districts, and the several divisions of internal-revenue agents, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia and not to exceed \$219,250 for rental of quarters in the District of Columbia, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses including stenographic reporting services, and the purchase of such supplies, equipment, furniture, mechanical devices, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia, the several collection districts, and the several divisions of internal-revenue agents, \$34,703,870, of which amount not to exceed \$8,904,860 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

MR. WARREN. I send to the desk a committee amendment for which I ask consideration at this point.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 21, line 7, after the word "warehouses," to insert a colon and the following additional proviso:

Provided further, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of narcotic and national prohibition acts current at the time of the deposit.

The amendment was agreed to.

The next amendment was, under the subhead "Mints and assay offices," on page 34, line 12, after the name "Louisiana," to insert "and Carson City, Nev.," in line 14, after the name "Montana," to insert "Salt Lake City, Utah,"; and at the end of line 23, to strike out "\$1,635,500" and insert "\$1,646,440," so as to make the paragraph read:

For compensation of officers and employees of the mints at Philadelphia, Pa., San Francisco, Calif., Denver, Colo., New Orleans, La., and Carson City, Nev., and assay offices at New York, N. Y., Boise, Idaho, Helena, Mont., Salt Lake City, Utah, and Seattle, Wash., and for incidental and contingent expenses, including traveling expenses, new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed \$500 for the expenses of the annual assay commission, and not exceeding \$1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, \$1,646,440.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Supervising Architect—Public buildings, construction, and rent," on page 40, line 9, after the words "post office," to insert "courts,"; in line 10, after the word "offices," to strike out "except for the courts,"; in the same line, after the word "of," to strike out "\$220,000" and insert "\$335,000,"; and in line 12, after the figures "1928," to strike out the colon and "Provided, That the building shall be so constructed that accommodations for the courts may be added later," so as to read:

Lubbock, Tex., post office, etc.: For continuation under an estimated total cost for site and building for the accommodation of the post office, courts, and other Government offices, of \$335,000, in lieu of \$160,000 fixed in act of May 29, 1928.

The amendment was agreed to.

The next amendment was, on page 42, line 16, after the word "of," to strike out "\$1,600,000" and insert "\$1,950,000," so as to read:

Portland, Oreg., courthouse, etc.: For continuation, under limit of cost of \$1,950,000 in lieu of \$1,500,000 fixed in act of March 5, 1928.

The amendment was agreed to.

The next amendment was, on page 65, line 21, after the word "service," to strike out "\$19,300,000" and insert "\$19,500,000," so as to read:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen wagon and city delivery and collection service, \$19,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 67, at the end of line 18, to strike out "\$59,000,000" and insert "\$59,500,000," so as to make the paragraph read:

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, 2 assistant superintendents at large, 1 assistant superintendent in charge of car construction, 121 chief clerks, 121 assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, \$59,500,000.

The amendment was agreed to.

The next amendment was, on page 68, at the beginning of line 18, to strike out "\$23,000,000" and insert "\$23,250,000," so as to read:

For transportation of foreign mails by steamship, aircraft, or otherwise, including the cost of advertising in connection with the award of contracts authorized by the merchant marine act of 1928 (45 Stat., pp. 689-698), \$23,250,000.

The amendment was agreed to.

The next amendment was, on page 68, line 19, after the word "exceed," to strike out "\$4,000,000" and insert "\$4,400,000," and in line 22, after the words "excess of," to strike out "\$4,800,000" and insert "\$5,200,000," so as to make the proviso read:

Provided, That not to exceed \$4,400,000 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1931 in excess of \$5,200,000.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. Are there any other amendments from the committee?

Mr. WARREN. There were two committee amendments passed over.

The PRESIDENT pro tempore. Two committee amendments were passed over. Is it the desire of the Senator in charge of the bill that the two amendments be taken up and considered now?

Mr. WARREN. I think so. My colleague on the committee the Senator from Utah [Mr. Smoot] wishes to address the Senate on the matter of the two amendments that were passed over. Before any vote is taken I think we should summon a quorum, however.

Mr. SMOOT. Mr. President, the two committee amendments passed over were on page 2 and page 13.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the Senate returns to the consideration of the amendment on page 2, which will be stated.

The CHIEF CLERK. On page 2, line 3 strike out "\$10,000" and insert "\$12,000," so as to read:

Undersecretary, \$12,000.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Smith
Barkley	Frazier	Metcalf	Smoot
Bayard	George	Moses	Steck
Bingham	Glass	Neely	Steiwer
Black	Glenn	Oddie	Swanson
Blaine	Greene	Overman	Thomas, Idaho
Blease	Hale	Phipps	Thomas, Okla.
Borah	Harris	Pittman	Trammell
Bratton	Hastings	Ransdell	Tyson
Brookhart	Hawes	Reed, Mo.	Vandenberg
Bruce	Hayden	Reed, Pa.	Wagner
Capper	Heflin	Robinson, Ark.	Walsh, Mass.
Caraway	Johnson	Robinson, Ind.	Walsh, Mont.
Couzens	Jones	Sackett	Warren
Dale	Kendrick	Schall	Watson
Denen	Keyes	Sheppard	Wheeler
Dill	King	Shipstead	
Edge	La Follette	Shortridge	
Fess	McKellar	Simmons	

The PRESIDENT pro tempore. Seventy-three Senators having answered to their names, a quorum is present. The question is on agreeing to the first amendment of the committee passed over, which is on page 2, line 3. The Senator from Utah is recognized.

Mr. McKELLAR. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. SMOOT. What amendment is now pending?

The PRESIDENT pro tempore. The amendment on page 2, the first amendment.

Mr. SMOOT. I ask that the Senate disagree to that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McKELLAR. I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is the demand seconded?

Mr. FLETCHER. I suggest to the Senator from Tennessee that the Senator from Utah has asked that the amendment be disagreed to.

Mr. McKELLAR. Very well.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. Without objection, the amendment proposing to increase the total on line 5, on the same page, will also be disagreed to. The Senate now recurs to the amendment on page 13, line 8, which will be stated.

The CHIEF CLERK. Under the subhead "Bureau of the Budget," on page 13, line 8, after the word "Director," it is proposed to strike out "\$10,000" and insert "\$12,000," and at the end of line 15 to strike out "\$171,000" and insert "\$173,000," so as to make the paragraph read:

Director, \$12,000; for the Assistant Director, and all other necessary expenses of the bureau, including compensation of attorneys and other employees in the District of Columbia; contract stenographic reporting services, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, traveling expenses, street-car fares, \$161,000; in all \$173,000.

The PRESIDENT pro tempore. The question is on the amendment in line 8. Does the Senator from Utah request that that amendment be disagreed to?

Mr. SMOOT. Mr. President, I hardly feel like doing so. The amendment refers to the salary of a man who gives more hours to his work than does any other man in the Government service, and he holds a most responsible and important position. It does seem to me the amendment should be adopted.

and I ask Senators to allow it to be agreed to, in order to put this official on a footing with many others to whom I have called attention.

The same thing could not be said of General Lord that was said of Mr. Mills. General Lord is not a wealthy man; all he has is what he gets from his position here. I hope that the Senate will agree to the amendment. I ask the Senator from Montana, in all fairness, not to object to the amendment but to allow it to be adopted, for if there is any man in the Government service who earns this amount of money it is General Lord, the head of the Budget Bureau.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

Mr. WHEELER. Mr. President, I am going to oppose an increase of the salary of this official. In the first place, I feel that increases in salary should not be made in this manner. While there are men in the Government service, as has been suggested by the senior Senator from Utah [Mr. Smoot], who are not, in my judgment, earning their salaries, and probably their salaries should be diminished, yet there are many other men holding positions in the Government who are not getting anywhere near the compensation they should be receiving for the work which they are doing. We have in this instance the head of the Budget Bureau, who is the dictator of all governmental expenses, the great economist who is making all the savings for the Government, as he claims, and objecting to every single solitary bill that comes up which does not meet with his approval, on the ground that it is not in accordance with the economy program of the President, coming in here and approving, of course, an increase of his own salary by \$2,000 a year. It seems to me it places him in a very ridiculous position when he is advocating cutting down other salaries or keeping someone else from getting an increase in salary to be himself coming here and asking for an increase in salary.

I know that my friend, the senior Senator from Utah, will say that General Lord is not asking for this increase, but the fact of the matter is that it had to be approved by the Budget Bureau; otherwise it would not be in order and it could not be here; yet we have this man constantly coming here and telling the committees of the Senate and House of Representatives, "You must not do this, you can not pass this law, because of the fact that it is not in accord with the economy program of the administration." I say, therefore, that we certainly should not increase his salary to \$12,000 a year.

The Senator from Utah has suggested that General Lord is a very hard-working man, and I have not any doubt at all about it; but there are many other very hard-working men who are in the service of the Government of the United States and yet who are not receiving \$10,000 a year. Some of the commissioners of the Interior Department and some of the commissioners of other departments work just as hard, in my judgment, as General Lord, and yet are not receiving one-half the salary that he is receiving at the present time. I feel that it would be a mistake for us to increase General Lord's salary. I think also that he is the last person who should come before the Senate of the United States asking for an increase of his own salary while at the same time putting a veto on the request of every other person who desires an increase in salary from the Government of the United States.

It is all right, of course, for General Lord to come here and say, "I want an increase of salary," and for us to give it to him, and many Senators may not want to vote against the proposition because of the fact that they know he is absolute dictator at the Budget Bureau; and whenever they have a bill coming before the Senate involving an appropriation it has to go before General Lord, and he has to say as to whether or not it accords with the economy program of the administration. As a matter of fact, the committees of the Senate and the Senate itself have abdicated, so to speak, and allowed General Lord to tell us what legislation we may consider here and what legislation we may pass here and what legislation we may not pass. When, for instance, the Indians on some of the reservations came here with claims against the Government of the United States, it was General Lord who said that they should not even be permitted to go into court to have their claims adjusted, not on the ground that they were unjust claims, not on the ground that they were not proper, but on the ground that it was going to cost the Government too much to try their cases. So on the ground that it was against the economy program of the administration, this dictator, to whom the committees of Congress have abdicated, refused to approve the legislation giving those poor unfortunate Indians an opportunity to go into court. Then we find him coming here and asking for an increase of his salary to the extent of \$2,000 for a Christmas present from the Government of the United States.

In the first place, I am opposed to the raising of salaries in this fashion; and, secondly, I am opposed to this official getting an increase until the salaries of all other employees of the Government shall have been adjusted in a proper manner.

Mr. WARREN. Mr. President, the Senator from Montana evidently has much feeling regarding this case. I am not certain that the Senator was a Member of the Senate at the time when we were called upon to pass the Budget law. At that time I, with some other members of the Appropriations Committee, felt that the enactment of such a law would restrict that committee too closely, and we failed to support it. Since that time, however, I have been very glad that the law was enacted, as it has had great effect in way of damming back the great stream of requests which have been coming to Congress from day to day ever since the war. The war gave everyone the idea of billions, because we appropriated billions—at one time twenty-eight billions and some odd millions, almost at one sitting—for the expenditures of one year.

The head of the Budget is the President of the United States. The director is merely, as we might say, a secretary to him in a sense. I dare say that the Director of the Budget will, as he has done in the past, confer often with the President. It was the thought of the Congress, and especially was it the thought of the Senate, that by placing the President at the head of the Budget Bureau the responsibility would be lodged in the highest possible place, and that then the President, as head of the Budget, in cooperation with the Director of the Budget, might lay before Congress measures which were worthy of consideration, and at the same time Congress would be protected in doing what was right without going too far in expenditures.

I have no idea that this Budget request for \$2,000 additional for General Lord originated with him at all. I do not know that he is even aware at this day that the item is here. It is a matter of form. He has a very large number of men operating under him, some of whom formerly were our employees. The Director of the Budget is quite the hardest worked man in the employ of our Government, and he has the hardest and most unpopular job, I think, of any officer of the Government, in Washington or elsewhere.

I do not believe and can not believe that there is foundation for the assertion that the Director of the Budget decides matters according to his own liking in the case of one Senator or another Senator as favors may have been received or may be expected. I have no idea that the Director of the Budget is not as fair as any man could be, as fair as would be the Senator from Montana himself, who, I am sure, would undertake to decide on the law and the circumstances surrounding a particular case without regard to who might be hit.

I think it is a matter of knowledge with us that the Budget Bureau has been very popular. I think it has taken from every Senator and every Member of the House of Representatives more or less subtle and pressing solicitations for various items of appropriation. Instead, they have occupied the time of the Director of the Budget. The Budget Bureau has accomplished in that direction much of what has been accomplished by the Civil Service Commission. I imagine there is no institution in the Government, perhaps, which is more unpopular at times than is the Civil Service Commission, but when we talk to Senators, especially those from the larger States, we find that they are greatly pleased that there is a governmental organization able to stop some of the flood pointed toward them whenever Congress is in session. I refer, of course, to the flood of requests and demands for Government positions. Prior to the time of the establishment of the Civil Service Commission positions under the Government were supposed to change with the change of administration. If a Republican administration was replaced by a Democratic one, the Republican employees would go out; and if a Democratic administration was succeeded by a Republican administration, the Democrats would go out.

The Director of the Budget, as the Senator from Montana undoubtedly recognizes, and as I have heretofore said, has one of the most difficult and arduous places in the Government service. The very fact that he has to decide against Members of the House and Senate who may have items of appropriation which they desire but which do not meet with approbation is, in a way, a tribute to his ability.

He has before him and his assistants, continuously, the estimates coming from the various department heads, which are studied by the director all during the year. There is not at the Budget Bureau quick action such as sometimes occurs in the Senate in the case of legislation. We are oftentimes too quick about legislative action, and perhaps we legislate too much.

Under the present system estimates, of course, go to the Bureau of the Budget and the Budget is then made up. For-

merly the estimates were often taken to the President and the President might say, "Cut it in two; give them half, or give them a quarter." Of course, I am speaking merely in a general way as to that. Under the present conditions the estimates of the department, through their appointive heads—the Cabinet officers—and all other items from other sources are presented to the Budget Bureau early, and that bureau spends the entire season considering them before submitting a report to Congress. Then the Budget estimate comes before us for approval or disapproval. Sometimes we disapprove, and probably we shall continue to do so. Perhaps as to every bill which may pass at this session we shall disapprove of some of the items; but such action can hardly be construed as disapproval of the head of the bureau.

Mr. President, since the action which the Senate has taken in regard to the one matter in dispute—and the only one, I believe, so far—and because of certain amendments which are going to be offered on the floor of the Senate, and which I feel we ought to deal with and conclude before the hour when the Boulder Dam bill shall be taken up, if I may be permitted to do so, I ask to withdraw this amendment entirely from this bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. Without objection, similar action will be taken regarding the second amendment in the same paragraph, on page 13, line 15.

The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. EDGE. Mr. President, I understand that the committee amendments have been disposed of.

The PRESIDENT pro tempore. They have been.

Mr. EDGE. I desire to offer an amendment and make a brief explanation of it.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 12, line 8, it is proposed to strike out "\$21,415,000" and to insert in lieu thereof "\$21,736,000."

Mr. EDGE. Mr. President, this is an amendment to the section providing appropriations for the employees of the Bureau of Customs. It raises the total amount appropriated by \$321,000.

The justification for the presentation of the amendment may be summed up in a very few words.

At the last session we passed what was known as the Bacharach bill. It passed each House, as I recall, unanimously. The bill was the result of an investigation on the part of a subcommittee of the Committee on Ways and Means of the House into the status of salaries of custom employees. The chairman of that committee was the Congressman from New Jersey, Mr. BACHARACH, and the bill afterwards was introduced by him and bears his name.

The bill passed as a result of this investigation provided slight increases in the salaries of, I think, six classes of employees. In other words, it was the will of Congress, as evidenced by the passage of the bill, that these employees should be paid this slightly increased salary. The Budget Director, in estimating for the increases under the Bacharach bill—and I believe, at the same time, increases called for by the Welch bill, which was subsequently passed—allowed a sum which it is estimated is \$321,000 under the amount called for by the terms of the Bacharach bill.

It appeals to me that these men in the Customs Service are entitled to the full salaries that have already been awarded to them through the action of Congress a few months back. I realize that under the increased appropriation a portion of the employees provided for under the Bacharach bill have been taken care of; but, I repeat, they are not all fully included in the sum that has been appropriated. My understanding is that but two classes have been given the average salary, while some of the classes have been given only the minimum salary.

My amendment will provide that all classes shall receive the average salary permitted under the Bacharach bill rather than a few of them the average salary, and others only the minimum salary. The amendment appeals to me as simply carrying out the intention of Congress, and I trust it may be permitted to go to conference.

Mr. WARREN. Mr. President, I feel that we can not permit this amendment to be adopted without further consideration of the matter. I should think, from observing what has been done, as a matter of fact, that the House has undertaken to provide for the 60 per cent that was provided for, just before the close of Congress last year, by the Bacharach bill. It has also proposed to go as far as it can go under the Welch law, so

that every one of those left, included in the 40 per cent, is also provided for.

I will read from the report. This is the language of the House committee:

The amount for the collection of customs is increased from \$19,483,560 to \$21,415,000, or by \$1,931,440. Of this sum \$1,468,912 is brought about by increases in compensation of employees under the provisions of two acts passed at the last session—the act of May 28, 1928 (Welch Act), and the act of May 29, 1928 (Bacharach Act). Subdividing this sum, \$926,489 is due to the Bacharach Act covering approximately 60 per cent of the force and \$542,423 is due to the Welch Act affecting 40 per cent. The remainder of the increase covers \$3,360 on account of reallocations of positions in the Washington bureau, \$329,390 to provide 4 additional employees in Washington and 150 additional employees in the field, and \$129,778 of increase very largely accounted for by cartage at New York in connection with the new appraisers' stores. The general increase in force is specifically accounted for in detail to the committee but in the main is created by the increase in customs business, the maintenance of 24-hour inspection service at a number of new international bridges and highways, and the opening of new airports of entry.

I must make the point of order against the amendment as not having been estimated for, which fact I regret.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. McKELLAR. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 18, line 7, after the word "each," it is proposed to strike out the period and insert a comma and the following:

Said reports to be made at each regular session of the Congress after May 29, 1928, and no part of the appropriation herein made for tax refunds shall be paid out until said report is filed.

Mr. McKELLAR obtained the floor.

Mr. WARREN. Mr. President, I desire to make a point of order against that amendment on the ground that it is legislation.

The PRESIDENT pro tempore. The Senator from Tennessee was recognized.

Mr. WARREN. I beg pardon. I hope the Senator will allow us to complete the bill before the expiration of the morning hour.

Mr. McKELLAR. I will do my best. It will not take long.

I desire to call the attention of the Senate to page 17 of the bill, under the head of "Refunding taxes illegally collected":

For refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1930 and prior years, \$130,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the act of May 29, 1928 (45 Stat., p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

My amendment simply adds to that:

Said reports to be made at each regular session of the Congress after May 29, 1928, and no part of the appropriation herein made for tax refunds shall be paid out until said report is filed.

The reason for that amendment is found in the act approved May 29, 1928, which I shall now read:

Sec. 3. Section 3220, Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended, is amended to read as follows:

"Refundments; taxes and penalties: The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal-revenue taxes collected by him, with the cost and expense of suit; also all damages and cost recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress, by internal-revenue districts and alphabetically arranged of all refunds in excess of \$500, at the beginning of each regular session of Congress of all transactions under this section."

I call special attention to this language:

Shall make report * * * at the beginning of each regular session of Congress of all transactions under this section.

Mr. President, since that act was passed another session of Congress has convened. Reports have been made by the Commissioner of Internal Revenue and by the Secretary of the Treasury, but that law has not been complied with in such reports; and yet, without complying with that law, they come in and ask for \$130,000,000 for tax refunds for the year 1930. Besides that, there is an additional report—

Mr. WARREN. Mr. President, I understand that those reports were presented, and were examined and passed upon.

Mr. McKELLAR. There are no reports here. There are no reports before Congress. This law has not been complied with.

Mr. WARREN. The report came, of course, in the recess of Congress, as expected.

Mr. McKELLAR. If the report is here then the amendment can be agreed to without any further trouble, because as soon as it is done they can use this money.

Mr. SMOOT. Mr. President, do I understand the Senator's amendment to apply to 1929?

Mr. McKELLAR. Oh, yes; every session of Congress after the passage of the law in 1928 is specifically included, of course.

Mr. SMOOT. Of course for 1929, under the existing law, they are to file the report before June 30, 1929.

Mr. McKELLAR. I know; that is under another provision of law, but what is required by this act is that these reports, setting out certain specific facts, shall be filed, and that bill was passed for the very purpose that I am urging now—namely, that Congress should have some knowledge of these claims in excess of \$500.

Mr. SMOOT. That report can not be filed until the close of the year because these appropriations are made from July 1 to June 30.

Mr. McKELLAR. Yes; it can be filed for the year. The law specifically requires it. This appropriation applies not only to this year but to previous years, and there is no reason in the world why they can not give the Congress the facts as required by this act.

Mr. SMOOT. Mr. President—

Mr. McKELLAR. Mr. President, I am very anxious to get through by 2 o'clock. I hope I may be allowed to continue.

Mr. SMOOT. So am I.

Mr. McKELLAR. There are some things to which I want, very briefly, to call the attention of the Senate and the attention of the country.

We have, according to the newspapers, the greatest Secretary of the Treasury since Alexander Hamilton.

Mr. SMOOT. And it is true.

Mr. McKELLAR. The Senator says it is true. I am not passing on that question now. I am not here now to gainsay it, and I am not going to argue it with the Senator; but I find that the "greatest Secretary of the Treasury since Alexander Hamilton" has made mistakes in the collection of taxes during the eight years that he has been Secretary of the Treasury in the enormous sum of \$1,180,612,356.33. I say that any financier who, in the course of eight years, collects from the people by mistake or accident \$1,180,612,356.33 is not infallible. Surely the paying out of such an enormous sum is in itself sufficient to challenge the attention of the Congress, and especially so when there is now no real supervision by anyone over the Treasury Department's acts in paying out these enormous sums of money. Every dollar paid out may have been properly paid out or refunded; on the other hand some, or much, may have been improperly refunded. We should have the facts.

Mr. WHEELER. Mr. President, does not the Senator know that that is what makes him great in the eyes of our Republican friends across the aisle?

Mr. McKELLAR. That may be so. I am not going to discuss that question now; but here is what I want to call attention to, namely, that these refunds are increasing by leaps and bounds. I have been calling attention to it all during the last two administrations, because I want to show how these refunds are mounting up.

Mr. WHEELER. Will the Senator pardon a further interruption?

Mr. McKELLAR. Yes.

Mr. WHEELER. Does not the Senator know that that is why all the great newspapers of the country are afraid of the present Secretary of the Treasury—because he can make these mistakes?

Mr. McKELLAR. I am not advised as to that; and just now, in the short time that I have—because I want this bill to pass, and if this amendment is agreed to it can be passed instantly; if they will accept this amendment, I am perfectly willing to let the bill be passed so far as I am concerned, but I want to call attention to what is being done under this administration of the tax laws in reference to tax refunds.

In 1917 the refunds of the Government amounted, in round numbers, to \$887,000.

In 1918 they amounted to \$2,000,000.

In 1919, \$8,000,000.

In 1920, \$15,000,000.

In 1921, \$28,000,000.

In 1922, \$48,000,000.

In 1923, \$123,000,000.

In 1924, \$137,000,000.

In 1925, \$151,000,000.

In 1926, \$174,000,000.

In 1927, \$103,000,000.

In 1928, \$142,000,000.

In 1929 they have amounted to \$37,000,000 already. This appropriation carries \$130,000,000 and another request for an appropriation has already been submitted by the Budget Director and the President for \$75,000,000 more, making a total, in round numbers, at the present session of Congress of \$262,000,000 of refunds of taxes by clerks in the Department of the Treasury, with no supervision from the outside at all, with no knowledge upon the part of Congress as to why these tremendous refunds are made, with no facts before the Congress.

Mr. President, these figures are taken from a table placed in the hearings on the Treasury Department appropriation bill before the Committee on Appropriations of the House on November 30 of this year. The table is as follows:

Statement showing total internal-revenue receipts, total amount of additional assessments and collections resulting from office audits and field investigations, and total amount of refunds of taxes illegally collected for the fiscal years 1917 to 1928, inclusive, and first three months of the fiscal year 1929

Fiscal year	Total internal-revenue receipts	Amount of additional assessments and collections resulting from office audits and field investigations	Amount of refunds of taxes illegally collected
1917.....	\$809,393,640.44	\$16,597,255.00	\$887,127.94
1918.....	3,698,955,820.93	29,984,655.00	2,088,565.46
1919.....	3,850,150,078.56	123,275,768.00	8,654,171.21
1920.....	5,407,580,251.81	466,889,359.00	15,639,932.65
1921.....	4,595,357,061.95	416,483,708.00	28,656,357.95
1922.....	3,197,451,083.00	266,978,873.00	48,134,127.83
1923.....	2,621,745,227.57	600,670,632.00	123,992,820.94
1924.....	2,796,179,257.06	577,710,044.00	137,006,225.65
1925.....	2,584,140,268.24	312,667,876.00	151,885,415.60
1926.....	2,835,999,892.19	404,537,468.00	174,120,177.74
1927.....	2,865,683,129.91	383,965,350.00	103,858,687.78
1928.....	2,790,535,537.68	368,565,764.00	142,393,567.17
First quarter 1929.....	662,586,273.02	93,442,457.91	37,695,158.41
Total, 12 years 3 months.....	38,715,757,522.36	4,061,760,209.91	975,012,356.33

¹ Includes \$17,777,542.45 refunded taxes under provisions of section 1200 of the revenue act of 1924 (25 per cent refunds of 1923 individual income taxes).

² Includes \$206,115.29 refunded taxes under provisions of above section of law.

We have been coming up here blindly every year, and sometimes twice a year—because they come up on deficiency bills also—appropriating these enormous sums of money, this session amounting to \$262,000,000, and there is not a man in the Senate, there is not a man in this country, outside of some of the employees and officials of the Treasury Department, who can tell where a dollar of it has gone and whether it has been justly and fairly expended or not.

Mr. DILL. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. DILL. Are the mistakes which make necessary these refunds the same kind of mistakes each year?

Mr. McKELLAR. So far as known, they are. So far as is known, they are mistakes of this kind, that taxes are refunded, but an error was made by the taxpayer, and he finds he has paid too much.

Mr. SMOOT. Mr. President, I know the Senator wants to be correct in the matter.

Mr. McKELLAR. Indeed, I do; and I am going to be correct. Under no circumstances would I want to be incorrect or make an incorrect statement.

Mr. SMOOT. That is all right. I want to say to the Senator that during the early years there were jeopardy assessments put upon many of the big concerns, and the Treasury Department, in placing those jeopardy assessments, did not know what the taxes would be; there was no examination; but they did determine that the amount would be enough so that it would cover every emergency. The taxpayer paid the tax, and if he had not, under the law he would have had to pay interest. When the final adjustment has taken place, if the assessment is shown to have been more than was actually

owing by the company, the excess is refunded. That is what the refunds are.

Mr. DILL. But it is over such a long series of years.

Mr. SMOOT. Certainly; from the beginning of the war, when there had to be valuations of the property. There were excess profits, there were all of the complications in the tax bills, such as had never before been experienced in the history of this country or of any other country. It is very natural that it should be so.

Mr. McKELLAR. Mr. President, if it is very natural, if it is very fair, if it is very honest, if it is very just, why can not the Congress have the facts? Why are the facts withdrawn from the scrutiny of the Congress? This body and the body at the other end of the Capitol have passed a solemn law providing that where the tax refund amounts to more than \$500 the Secretary must give all the facts to the Congress at the beginning of the session. That law was passed last May. It has not been complied with, and, notwithstanding the fact that that law has been treated with the utmost disrespect by the Secretary of the Treasury, he blandly comes in, and messages are here demanding \$205,000,000 to be continued to be paid out without any knowledge on the part of Congress at all.

Senators, we should not permit it; it should not be done; it is not the right method of legislation. We are not acting up to our duty as trustees of this Government. We should not permit it for a moment. The amendment I have to offer would do nothing but require the Treasury to comply with the law. I will read it, and I ask Senators to adopt it. It simply provides that—

Said reports to be made at each regular session of the Congress after May 29, 1928—

The date the law was passed—

and no part of the appropriation herein made for tax refunds shall be paid out until said report is filed.

Is there anything unfair or unjust about that? If these claims have been properly paid, is there any reason why we should not have the Secretary of the Treasury comply with that law? Is he above the law? Is he to treat the laws we pass with disrespect, and are we to continue to appropriate these vast sums without his complying with the law? I say that if we do we are violating our duty as trustees of the Government, and I for one do not intend to do it.

Mr. President, I ask that there may be printed as a part of my remarks a communication from the President and the Director of the Budget on the matter of these refunds, and an article appearing December 12, 1928, in the New York Times under the caption "President asks \$75,000,000 more."

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

REFUNDING OF TAXES

Communication from the President of the United States transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years for refunding internal-revenue taxes illegally or erroneously collected, \$75,000,000

THE WHITE HOUSE,

Washington, December 11, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years, for refunding internal-revenue taxes illegally or erroneously collected, \$75,000,000.

The purpose of this estimate, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, December 10, 1928.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 and prior years for refunding internal-revenue taxes illegally or erroneously collected, as follows:

INTERNAL REVENUE SERVICE

For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years, \$75,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the act of May 29, 1928 (45 Stat. p. 996), including the names of all persons and corporations to whom

such payments are made, together with the amount paid to each, \$75,000,000.

The amount already appropriated for this purpose for the fiscal year 1929 and prior years is \$130,000,000. This supplemental estimate is intended to provide the Bureau of Internal Revenue with the necessary additional funds to refund to taxpayers all overassessments or erroneous payments of internal-revenue taxes which it is expected will be allowed by the Commissioner of Internal Revenue under the provisions of section 3220, Revised Statutes, as amended, up to and including June 30, 1929, or to the close of the present fiscal year. The amount of the supplemental estimate submitted at this time is also intended to cover the necessary funds to pay during the remainder of the present year judgments rendered by the Federal courts against the United States, or against an internal-revenue officer where taxes are involved, such judgments being payable from current appropriations for "Refunding taxes illegally collected" in accordance with a decision of the Comptroller General of the United States dated December 31, 1925 (A-12287).

The above estimate is required to meet contingencies and conditions which have arisen since the transmission to Congress of the Budget for the fiscal year 1929.

I recommend the transmission of the estimate to Congress.

Very respectfully,

H. M. LORD,

Director of the Bureau of the Budget.

The PRESIDENT.

Supplemental estimate of appropriation required for the service of the fiscal year ending June 30, 1929, and prior years, by the Treasury Department

INTERNAL REVENUE SERVICE

Refunding taxes illegally collected:

For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years, \$75,000,000: <i>Provided</i> , That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the act of May 29, 1928 (45 Stat. p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each (U. S. C. p. 1014, sec. 602; p. 1963, sec. 149; p. 1964, sec. 157; p. 2003, sec. 1065; p. 2015, sec. 1120; p. 2032, sec. 284; acts Mar. 5, 1928, vol. 45, p. 169; May 29, 1928, vol. 45, p. 996; May 29, 1928, vol. 45, pp. 861-862, 865-866, 871, 874, 876-878, 882)-----	\$75,000,000
Amount appropriated for the fiscal year ending June 30, 1929-----	130,000,000

[From the New York Times, December 12, 1928]

PRESIDENT ASKS \$75,000,000 MORE—TELLS CONGRESS THE ADDITIONAL SUM IS NEEDED FOR PAYMENT OF TAX REFUNDS—AGAIN WARNS OF DEFICIT—LORD SAYS THAT THE ESTIMATED SURPLUS MAY NOW SHIFT TO SHORTAGE OF \$18,000,000

(Special to the New York Times)

WASHINGTON, December 11.—President Coolidge to-day sent a recommendation to Congress for an additional appropriation of \$75,000,000 for tax refunds, which, if acted upon at this session, would create an actual deficit of more than \$18,000,000 in the current fiscal year ending June 30. He expressed fear to-day that unless the revenues increased greatly in the tax payments next March and June the incoming administration would begin with a deficit facing it.

The additional amount, the President explained, became necessary because of court decisions and unexpected adjustments in the last few months.

The Treasury originally estimated that \$130,000,000 would be sufficient for tax refunds. Including this additional estimate of \$75,000,000, the amount sought for tax refund in this fiscal year would be \$205,000,000. Since the Budget Bureau in forecasting the probable surplus estimated that \$150,000,000 might be required, the supplemental estimate to-day would swell the estimated expenditures \$55,000,000 above the total estimates.

General Lord, Director of the Budget, informed the President to-day that the estimated surplus at the end of this fiscal year, exclusive of this supplemental estimate, was \$36,990,000. Therefore, if the entire amount of \$205,000,000 is appropriated by this Congress, he pointed out to the President that the paper deficit would be around \$18,000,000.

An actual deficit, General Lord said, might be averted by heavy income-tax payments on March 15 and June 15 next before the end of the fiscal year.

However, the income-tax payments may fall below the estimates and there is a possibility that the deficit may be greater than the paper figure of \$18,000,000.

PRESIDENT SEES WAY OUT

President Coolidge to-day discussed the situation at length in his conference with newspaper men. He observed that some fears were ex-

pressed that the Government's revenues would be too small next year adequately to run the Government. This, he thought, was impossible as reductions could be made to overcome such a contingency.

He said that the difficult problem the incoming administration would face might be a deficit which now, with the tax refund demands, was becoming more real than speculative.

In order to prevent a deficit the President suggested that Congress should proceed with the utmost scrutiny over appropriations this session. He thought that some of the tax-refund money perhaps need not be expended in this fiscal year and that this procedure might avert a deficit.

In his comments to-day he emphasized several times that Congress should cooperate with the executive departments and reduce expenditures wherever possible so that the deficit, if one appears, would be so small as to be easily handled.

In submitting his recommendations to the House the President did not mention the possibility of a deficit. This discussion occurred subsequently in his biweekly conference with the newspaper men.

TEXT OF PRESIDENT'S LETTER

The President's letter to Speaker LONGWORTH was as follows:

THE WHITE HOUSE,
Washington, December 11, 1928.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriations for the Treasury Department for the fiscal year 1929 and prior years, for refunding internal revenue taxes illegally or erroneously collected, \$75,000,000.

The purpose of this estimate, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

GENERAL LORD'S LETTER

General Lord's letter to the President reads as follows:

BUREAU OF THE BUDGET,
Washington, December 10, 1928.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriations for the Treasury Department for the fiscal year 1929 and prior years, for refunding internal revenue taxes illegally collected by the Internal Revenue Service.

For an additional amount for refunding taxes illegally or erroneously collected as provided by law, including the payment of claims for the fiscal year 1929 and prior years, \$75,000,000; provided, that a report shall be made to Congress by internal revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the act of May 20, 1928 (45 Stat. p. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each—\$75,000,000.

The amount already appropriated for this purpose for the fiscal year 1929 and prior years is \$130,000,000. This supplemental estimate is intended to provide the internal revenue for the necessary additional funds to refund to taxpayers all overassessments or erroneous payments of internal revenue taxes which it is expected will be allowed by the Commissioner of Internal Revenue under the provisions of section 3220, Revised Statutes, as amended, up to and including June 30, 1929, or to the close of the present fiscal year.

The amount of the supplemental estimate submitted at this time is also intended to cover the necessary funds to pay during the remainder of the present year judgments rendered by the Federal courts against the United States or against an internal revenue officer where taxes are involved, such judgments being payable from current appropriations for "refund taxes illegally collected," in accordance with a decision of the Comptroller General of the United States dated December 31, 1925 (A-12287).

The above estimate is required to meet contingencies and conditions which have arisen since the transmission to Congress of the Budget for the fiscal year 1929. I recommend the transmission of the estimate to Congress.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

Mr. McKELLAR. Mr. President, we collect, all told, something more than \$2,000,000,000 of income taxes, and we are paying out one-tenth of it in tax returns, without the Congress having any knowledge as to whether those refunds are just or not.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wyoming?

Mr. McKELLAR. I will yield in a moment. Under what facts could the Secretary of the Treasury pay back one-tenth of all that is collected in tax refunds, why or how we know nothing about?

I now yield to the Senator.

Mr. WARREN. Will the Chair rule?

Mr. McKELLAR. The Senator certainly has not interrupted me to get a ruling on a point of order he has not made. I will proceed until I finish, and then I will yield.

Mr. WARREN. I wanted to know if the ruling of the Chair on my point that this is legislation is against me. If so, I wanted to know if the Senator is ready to have a vote without taking any further time.

The PRESIDENT pro tempore. The Chair holds the point of order made by the Senator from Wyoming not valid. The Chair holds that the amendment presented by the Senator from Tennessee is in the nature of a limitation upon an appropriation and is in order.

Mr. McKELLAR. Mr. President, I ask for a vote on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask that the totals may be corrected by the clerks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLEASE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, line 24, under the heading "Federal farm loan bureau," add the following:

That said board shall instruct the officials of all banks under their control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929.

Mr. WARREN. Mr. President, I am sorry, but I shall have to make the point of order against the amendment as being legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BARKLEY. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The clerk will report the amendment.

The CHIEF CLERK. In the item for study of rural sanitation, on page 32, line 23, strike out the figures "\$215,000" and insert in lieu thereof the figures "\$247,825."

Mr. WARREN. Mr. President, will the Senator allow this amendment to come to a vote and let the matter go to conference, or does he desire to address the Senate?

Mr. BARKLEY. I do not desire to address the Senate if the Senator will agree to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRUCE. Mr. President, did the Treasury appropriation bill pass?

The PRESIDENT pro tempore. The bill has just passed.

Mr. BRUCE. Mr. President, I move a reconsideration of the vote by which the bill was passed. I called the attention of the chairman of the committee to the fact that I had an amendment on the table which I desired to offer. He will recollect that fact. I happened to leave the Chamber for a moment.

Mr. WARREN. I had assumed that the Senator had abandoned the idea because he was not here to offer the amendment.

Mr. BRUCE. I happened to be out of the Chamber for a moment. I did not suppose the bill would come to a vote so quickly. I took pains to tell the Senator that I proposed to offer the amendment. I ask unanimous consent for a reconsideration of the vote.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent for a reconsideration of the vote by which the Treasury and Post Office Department appropriation bill was passed. Is there objection?

Mr. WARREN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BRUCE. I move that the vote be reconsidered.

The PRESIDENT pro tempore. The Senator from Maryland moves that the Senate reconsider the vote whereby the appro-

priation bill for the Post Office and Treasury Departments was passed. The question is on the motion of the Senator from Maryland.

Mr. KING. Is that debatable?

The PRESIDENT pro tempore. Oh, yes.

Mr. KING. I appeal to the Senator from Wyoming, and to others who may feel constrained to vote in the negative, to change their attitude. It does seem to me that when a Senator in good faith is here during the progress of discussion, when a bill is under consideration, waits here for perhaps hours for the purpose of offering an amendment, and mentions to the chairman of the committee that he purposes offering an amendment, but steps out of the Chamber for a moment, and during his absence the bill is passed, the chairman of the committee ought, upon the facts being presented, voluntarily move to set aside the action of the Senate and permit the Senator to offer the amendment. I beg the chairman to do that. It will be a bad precedent if he does not. The Senator will not make anything by objecting.

Mr. WARREN. Is the Senator from Utah undertaking to accuse me of intentional discourtesy?

Mr. KING. Nothing of the sort. I am appealing to the Senator.

Mr. WARREN. Then please appeal respectfully.

Mr. KING. I have done so.

Mr. WARREN. If I may do so, I ask that the bill be reconsidered and that the amendment be now put to a vote.

The PRESIDENT pro tempore. Without objection, the vote by which the bill was passed will be reconsidered, and the order that the amendments be engrossed and the bill read a third time vacated. The bill is now in the Senate and open to amendment. The Senator from Maryland proposes the following amendment, which will be read.

The CHIEF CLERK. On page 19, on the last line, under the item "Bureau of Prohibition," strike out "\$13,500,000" and substitute therefor "\$270,627,384."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is the amendment of the Senator from Colorado [Mr. PHIPPS], on page 3, line 11, to strike out "\$125,000,000" and to insert in lieu thereof "\$165,000,000."

Mr. JOHNSON. I ask the Senator from Colorado if he will not separate his amendment, so that the first part of it and the last part of it may be first considered, and then the portion allocating a certain sum to flood control may be considered. On page 3, line 11, he moves to strike out the numerals "\$125,000,000" and insert "\$165,000,000," and on page 4, line 21, to strike out the numerals "\$125,000,000" and insert "\$165,000,000." I ask the Senator if he will first take up those two items.

Mr. PHIPPS. Mr. President, it seems to me that there are two questions involved, and Senators might be favorable to one proposition and object to the other. Under the circumstances, they are not necessarily coupled together in one amendment. I am perfectly willing to have a separate vote on those two portions of the amendment printed, as suggested by the Senator from California.

Mr. JOHNSON. So far as I am able, I accept those two amendments.

The PRESIDING OFFICER (Mr. Fess in the chair). Any Senator can ask for a division of the amendment.

Mr. KING. Let the clerk state the amendment.

The PRESIDING OFFICER. The clerk will report the amendment as divided.

The CHIEF CLERK. On page 3, line 11, strike out "\$125,000,000" and insert "\$165,000,000."

Mr. JOHNSON. That is the end of that part of the amendment.

Mr. KING. Mr. President, I confess I do not understand the proposed amendment now. Is it an amendment to the amendment offered by the Senator from Colorado?

Mr. JOHNSON. I am asking, if the Senator from Utah will permit me, the segregation so that we may first pass upon the authorization and subsequently pass upon the proposed allocation of a sum to flood control.

Mr. McKELLAR. It is simply an increase in the authorization from \$125,000,000 to \$165,000,000.

Mr. JOHNSON. That is all; a mere authorization.

Mr. ASHURST. Mr. President, there are some Senators absent from the Chamber who are very much interested in this question. I have sent for one or two of them, and my colleague has likewise sent for others. However, I think we should have a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Smith
Barkley	Fletcher	McNary	Smoot
Bayard	Frazier	Metcalf	Steck
Bingham	George	Moses	Steiwer
Black	Glass	Neely	Swanson
Blaine	Glenn	Nye	Thomas, Idaho
Blease	Goff	Oddie	Thomas, Okla.
Borah	Greene	Overman	Trammell
Bratton	Harris	Phipps	Tyson
Brookhart	Hastings	Pittman	Vandenberg
Bruce	Hawes	Ransdell	Wagner
Capper	Hayden	Reed, Pa.	Walsh, Mass.
Caraway	Heflin	Robinson, Ind.	Walsh, Mont.
Couzens	Johnson	Sackett	Warren
Curtis	Jones	Schall	Watson
Dale	Keyes	Sheppard	Wheeler
Deneen	King	Shipstead	
Dill	La Follette	Shortridge	
Edge	McKellar	Simmons	

Mr. WALSH of Montana. I desire to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Colorado [Mr. WATERMAN] are detained from the Senate on committee work.

Mr. WAGNER. I wish to announce that my colleague [Mr. COPELAND] is necessarily detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present. The question is on the first part of the amendment submitted by the Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the second part of the amendment, which the clerk will report.

Mr. JOHNSON. It is on page 4, line 21. Was that included in the question just stated? The segregation which I proposed included lines 1 and 2 to the period on line 2, and then lines 11 and 12 of the printed amendment of the Senator from Colorado.

The PRESIDING OFFICER. The Chair will state the question again.

Mr. ROBINSON of Arkansas. Mr. President, let us have a statement explaining the amendment.

Mr. JOHNSON. The suggestion I have presented, if the Senator from Arkansas will permit me, is to the amendment of the Senator from Colorado segregating the two distinct portions thereof, the first segregation being of lines 1 and 2 increasing the authorization, and lines 11 and 12, with a like increase of authorization, leaving the remainder of it then as a separate amendment to be determined subsequently.

Mr. ROBINSON of Arkansas. The question is now on which amendment?

Mr. JOHNSON. On the two, lines 1 and 2 to the period in line 2, and lines 11 and 12.

Mr. ROBINSON of Arkansas. I observe that there is an increase of \$40,000,000 proposed in that item.

Mr. JOHNSON. Yes.

Mr. ROBINSON of Arkansas. I think a statement should be made explaining the necessity for it.

Mr. JOHNSON. The reason for it is because in the report of the board of engineers appointed under the resolution adopted by the Congress at the last session, endeavoring to be overconservative as to the amount which might be required for the entire project, that amount was increased, and that increase constitutes the \$40,000,000 to which the Senator has just adverted. It is an authorization alone, and therefore, in order to meet the computation of the board of engineers, we increased the authorization accordingly.

Mr. ROBINSON of Arkansas. How is so great a difference in the estimate accounted for?

Mr. JOHNSON. The difference is, first, in the cost of the all-American canal; and, secondly, in the cost of additional improvements, as it were, to the construction of the dam.

Mr. ROBINSON of Arkansas. Has the committee considered the amendment and reported it?

Mr. JOHNSON. No; the committee has not considered the amendment, because the report was only handed to the Congress at the beginning of the present session.

Mr. ROBINSON of Arkansas. The report was received after the committee had reported?

Mr. JOHNSON. Yes.

Mr. ROBINSON of Arkansas. There was no reference of the amendment to the committee?

Mr. JOHNSON. No.

The PRESIDING OFFICER. The Chair will ask the Senator from California to read that part of the amendment of the Senator from Colorado which constitutes the first segregated part of the amendment.

Mr. JOHNSON. On page 3, line 11, strike out the numerals "\$125,000,000" and insert "\$165,000,000."

The PRESIDING OFFICER. That has been voted on and agreed to.

Mr. JOHNSON. The other portion is on page 4, line 21, to strike out the numerals "\$125,000,000" and insert "\$165,000,000."

Mr. ROBINSON of Arkansas. Does not that follow from the adoption of the first amendment?

Mr. JOHNSON. In the bill in two different places those figures are used.

Mr. ROBINSON of Arkansas. Yes; I understand.

The PRESIDING OFFICER. Without objection, the second part of the amendment is agreed to. The question now is on the remaining part of the amendment of the Senator from Colorado.

Mr. KING. Mr. President, the questions asked by the Senator from Arkansas are timely. The amendment before us corroborates the statements heretofore made by some Senators that the estimates made by the Reclamation Service as to the cost of the enterprise are inadequate and inaccurate.

The engineers in the Reclamation Service have been referred to by some Senators and by organizations which have supported the pending measure as almost infallible. Efforts have been made to prove that the reclamation projects have been wisely selected, and that they will prove successful. The fact is that a number of such projects have been failures, and millions of dollars have been wasted in attempts to develop irrigation projects which never can be made successful. The report of the fact-finding commission, appointed by the Secretary of the Interior several years ago, is a challenge to the statements concerning the efficiency of the Reclamation Service. Many of the projects inaugurated under the reclamation law have cost a great deal more than the estimates called for, and thousands of individuals have entered upon the lands with such projects, relying upon the statements of reclamation officers as to the feasibility of the enterprises and the maximum cost which would have to be paid to the Government. There have been many sad experiences in the lives of some who have gone upon reclamation projects and whose sacrifices have been too great to be described.

Reports made by some of the engineers of the Reclamation Service as to the cost of the Boulder Dam project have been, in my opinion, misleading, and have failed to state all the facts. The estimates have been imperfect and far below what the project will cost. I can not believe there has been a conscious purpose upon the part of some of the engineers and some of the officers of the Government to color the facts or to over-emphasize various factors. It is certain, however, that factors have not been considered in the estimates submitted and that difficulties and problems certain to be encountered have either been overlooked or their seriousness minimized. Of course, in a project so stupendous, and one involving so many considerations, it is to be expected that in the preliminary studies and in the plans formulated every contingency could not be anticipated, and that errors of judgment would arise and mistakes of fact would occur.

There have been sharp conflicts between some of the reclamation engineers and engineers of the Army and the Federal Power Commission. My recollection is that some of the engineers of the two branches of the Government last referred to stated that the cost of the project would be at least \$200,000,000. That was the statement made by Mr. W. Kelley, chief engineer of the Federal Power Commission.

Various figures have been submitted from time to time by engineers of the Reclamation Service as to the cost of the completed project provided for in the pending bill; but finally the Interior Department settled upon \$125,000,000 as the total cost of the Boulder Dam, the power plant, and the all-American canal.

Upon a number of occasions I have stated that these figures were entirely too low; that the project might, and probably would, cost more than \$200,000,000. So unsatisfactory were the reports submitted by the Government and so contradictory and confusing was the testimony which has been given before the two committees of Congress with respect to this project, that just before Congress adjourned in June, of this year, a resolution was passed directing that a board be appointed to examine the proposed site of the dam to be constructed and review the plans and estimates made therefor. Unfortunately, the author-

ity of the commission appointed under the action of Congress was limited to an examination of the proposed dam at Boulder and Black Canyons. A number of other sites have been suggested by engineers upon which to construct dams, and the advantages of some of these sites have been urged with zeal and ability. We are denied the opinion of the commission referred to as to the advantages, whether superior or otherwise, of these various sites, and as to the feasibility and wisdom of selecting some other site upon which to build a dam.

It is to be observed that the commission or board of engineers appointed by the Secretary of the Interior, with the approval of the President, did not approve of Boulder Canyon as a site for the building of the dam, but gave the preference to Black Canyon. The estimates of the Interior Department and its engineers were not followed by the board, who state that the project will cost \$165,000,000; and, further, that if the all-American canal should be completed to the Coachella Valley, \$11,000,000 additional should be added to the cost, making the total \$176,000,000. The report, however, does contain reassuring features and will remove from the minds of many some of the doubts and fears heretofore entertained. If the report is sound and may be relied upon there is reason to believe that a dam at Black Canyon is feasible and can be so constructed as to be safe. That is an important finding, particularly in view of the many fears felt and expressed both in Congress and throughout the country, that a dam of the height contemplated was not feasible and presented many elements of danger.

I think an impartial examination of the report justifies the view that a reasonably safe dam can be constructed, and that it will be effective in controlling the floods and will materially diminish the amount of silt carried to the lower regions of the Colorado River and to the canal which conveys water to the Imperial Valley. While it confirms the statement that an all-American canal can be constructed, the report demonstrates that the cost will be much larger than estimated.

The report of the commission, however, is not in harmony with the views of the Interior Department and the advocates of the bill before us with respect to the revenue to be derived from power and the sale of storage water. It has been contended by Government officials and organizations in California, that the revenue to be derived from the sale of power would repay the cost of the project within 25 years. The bill calls for the amortization of the entire \$125,000,000 within 50 years. The commission, however, reports that—

if the income from storage can be reasonably increased and the capital invested reduced by the cost of the all-American canal, together with a reduction of all but a part of the cost properly chargeable to the flood protection, it will be possible to amortize the remaining cost with the income from power.

My recollection is that the Secretary of the Interior estimated that the receipts from storage service would be \$1,500,000 per annum. I repeat when I state that the bill, following the recommendation of the Interior Department, provides for the construction of the all-American canal and the dam and the power plant, the aggregate cost being \$125,000,000, and that the entire cost is to be met from the sale of power and storage water from the reservoir, presumably to the coastal cities of California. We are told by the report, that the cost of the all-American canal must be eliminated and a portion of the cost of the dam charged to flood protection, and subtracted from the amount of capital invested; and that with these two important deductions made from the total cost of the enterprise, it is possible that the residue can be amortized from the income from power.

Mr. President, we are not quite frank in invoking the reclamation act and seeking to bring the all-American canal within all of its terms. Reclamation projects are built from reclamation funds, and are not obtained from the Treasury of the United States. The reclamation fund is a revolving fund produced from the sale of public lands, oil royalties, and so forth. By this bill we propose to appropriate directly from the Treasury of the United States the entire amount necessary for the construction of the all-American canal which the commission estimates to be \$38,500,000, not including the interest and not including the continuation of the canal to Coachella Valley at a cost of \$11,000,000. It is true that the Secretary of the Interior is required to make contracts with those whose lands are to be irrigated from the canal for the repayment to the Government of the cost of the canal, covering a period of 40 years, but without interest. It seems, therefore, that the Government derives no interest whatever from the \$38,500,000, or the \$11,000,000 should the canal to the Coachella Valley be constructed.

If we should follow the commission's recommendations, it would be necessary to determine what would be a reasonable and fair proportion of the cost of the dam to be allocated to

flood control, and deduct that amount from the cost of the dam which the commission declares will be \$70,600,000. I would be very much gratified if the estimates of the reclamation engineers are found to be correct; and if the revenues to be derived from the sale of power and stored water are as great as estimated by the champions of this bill, then there will be additional grounds for satisfaction.

It is to be hoped that the project will prove a success and that the Government will be almost wholly reimbursed for the costs of the enterprise and that profits will be realized from the sale of power and stored water which may be devoted for the further development of the Colorado River and for the construction of irrigation projects in the upper basin. If the theory of this bill is to be adopted and is to govern in dealing with this most important part of the Colorado River system, then provision should sooner or later be made for the comprehensive development of the river and the utilization of its resources. If the Federal Treasury is to be called upon to develop the lower part of the river and principally for the benefit of California, then, in justice to the upper States which furnish more than 80 per cent of the flow of the river, plans should be formulated and executed for the development of the water and power resources of the river and its tributaries in New Mexico, Utah, Colorado, and Wyoming.

The Government should, in cooperation with the States, investigate the feasibility of erecting water-storage projects and related problems in the upper Colorado River Basin, with the object in view of developing a plan under which the waters of the Colorado River can be put to the greatest possible beneficial use.

If this bill shall become a law the seven States within the Colorado River Basin should enter into a compact or agreement, supplemental to and in conformity to the Colorado River compact, in order to form a comprehensive plan for the development of the river, and to accomplish this end they should authorize the creation of an interstate commission and, perhaps, the creation of corporations or other agencies to carry out the terms of the compact.

The PRESIDING OFFICER. The clerk will state the second part of the amendment.

The CHIEF CLERK. The second part of the divided amendment reads as follows:

Of this amount the sum of \$25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of \$25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. JOHNSON. Mr. President, I promised at this point to yield for a brief ceremony which it is desired to hold.

RECEPTION TO LADY HEATH, OF ENGLAND

Mr. JONES. Mr. President, I move that the Senate take a recess for five minutes in order to receive Lady Heath, of England.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was unanimously agreed to, and the Senate took a recess for five minutes.

The Senate being in recess,

Lady Heath, escorted by Mr. JONES and Mr. CARAWAY, entered the Chamber, and Mr. JONES said:

Senators, I introduce to you Lady Heath, the celebrated woman aviator of England. She will be glad to meet Senators if they will pass by and shake hands with her.

Lady Heath having been introduced to the Vice President, she stood in front of his desk and greeted the Members of the Senate as they were introduced to her by the Vice President.

At the expiration of the recess the Senate reassembled.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, the amendment that is now presented becomes of some importance to those who have sponsored this measure, and for that reason a personal attitude respecting it I desire to express.

The amendment allocates the sum of \$25,000,000 to flood control. It provides:

Of this amount the sum of \$25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical

payments during the period of amortization, as provided in section 4 of this act. If said sum of \$25,000,000 is not repaid in full during the period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

The reason for that insertion, I assume, of 62½ per cent of the revenues is because in the bill 37½ per cent of what I may term the excess revenues or what I think might be designated as profits are allotted to the two States of Arizona and Nevada in equal shares; and I assume the purpose of the amendment is, out of the remainder of this 62½ per cent, to pay, if it can be paid, the allocation of \$25,000,000 for flood control.

Mr. President, I speak in personal vein, as I have already indicated. I have lived with this bill now for some years; I have lived with the bill because I deem the structure that is provided for by this proposed enactment to be the greatest constructive work of our generation, and because I believe that great constructive work can be accomplished without in any way burdening the Treasury of the United States.

From the inception of this endeavor upon our part to erect the Boulder Dam there has never been a time when its proponents have not insisted that no raid upon the Treasury ever could be predicated upon the provisions of this bill; that it was an impossibility, indeed, for the charge so often hurled at us to be substantiated, that we were seeking to tax the rest of the United States in order that the Colorado River might be harnessed and this monumental work might be consummated. During the acrimonious discussion concerning this bill outside of the Chamber, in which for some years I have participated, I have been berated by a portion of the press of the United States for endeavoring to take for southern California and for a part of Arizona, indeed, a large sum from the Treasury of the United States, and I have been accused of the desire to go into the Public Treasury and take from the taxpayers of this country money for the particular benefit of a small section of the country. I have ever answered, within the absolute facts, that there was not a word, a scintilla, of truth in that charge; and I pointed always with pride to the provision of the bill found upon page 5 which justified me in the continuous assertion that never under any circumstances would we go into the Treasury for this project, that meant so much to us, and under no circumstances would it ever cost the taxpayers of this land a single penny. I read to you, sir, that provision. It is to me one of the strongest provisions in the bill, and one of the provisions upon which any man could stand in any section of this Nation and answer any criticism of any character leveled against the great expenditure contemplated.

On page 5 of the substitute bill it is provided:

(b) Before any money is appropriated or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues, by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of the project, of all amounts advanced to the fund under subdivision (b) of section 2, together with interest thereon, made reimbursable under this act.

Thus, sir, in plain import we have said to the people of the United States, "Before a shovelful of earth is turned, before a single dollar shall be expended in behalf of this project, there shall be in the hands of the Secretary of the Interior the means by which every contemplated expenditure shall be repaid, with interest upon this expenditure."

This, sir, has been my position from the beginning to the end. It is my position to-day. I neither ask nor want any allocation to flood control or for any other purpose that will fall upon the Treasury of the United States or upon the taxpayers of the United States of America. I repeat that. As the author of this substitute bill, I neither ask nor want any moneys to come from the Treasury of the United States, save in the manner provided by the bill, and from which repayment is provided under the very terms of the bill, as I have just indicated.

I feel, sir, and I know, that out of the revenues from this project there can be sufficient realized to meet by amortization in the period of 50 years—every penny, no matter whether it be computed under the estimates of the reclamation engineers or under the estimates of the Board of Engineers which has just reported to the Congress. I care not what others may do, nor do I ask anyone to follow in my footsteps; but for me, sir, to stand here and take any other position after the contest that I have waged and the theory upon which I have wage it during all these years would seem, sir—although, of course, it is not—a species of bad faith of which I can not, and I will not, be guilty. I repeat that either under the esti-

mates of the reclamation engineers or under the estimates made by the engineers recently reporting to the Senate and to the Government, the full sum can be readily met. These figures in remarks to the Senate a couple of days ago I presented; and then I demonstrated, I think, and demonstrated conclusively, the fact of what I say.

If it shall be desired that there be any further elucidation in that regard, the figures are before me, and that elucidation can be made; but I assume that what has been said in that regard in the Senate heretofore and what I said the other night respecting it is more or less familiar to the Members of this body, and that they understand that there is no difficulty in the amortization of the full amount under either the one estimate or the other.

So, sir, I feel constrained personally to vote against the particular amendment.

Mr. PHIPPS. Mr. President, the Sibert report, made in accordance with a resolution adopted by the Congress, shows very careful work on the part of the most competent men in their professions. Some attention should be given to their findings. The amendment now under discussion is one which I proposed, predicated in part upon the recommendations of the Sibert commission. I thought it my duty as chairman of the committee which reported the bill to bring to this body the points that had been suggested by that commission.

Personally, I had always felt that there was a duty resting upon the Government to provide flood control in the Colorado River, particularly in the lower reaches, just as it provides flood control on the Mississippi River. I based the figure of \$25,000,000 upon estimates that had been made by engineers as to the cost of proposed flood-control dams on the lower reaches of the Colorado River. One figure I had in mind, which is the one for a dam located at the most appropriate site on the river, showed a total of \$28,000,000 for the purposes of that dam construction. I therefore used the figure of \$25,000,000.

It seemed to me that the Government could at least waive the interest on that amount of money until it had been repaid. Of course, interest is charged on the moneys to be advanced unless exceptions are made thereto. This is an exception which in my judgment would apply only to the matter of interest, because eventually, granted that this amendment were adopted, of the \$165,000,000, if it were all expended—which I do not believe it will be—\$25,000,000 is set aside, leaving \$140,000,000 to be repaid with interest. After that had been repaid the \$25,000,000 would be repaid; but concurrently, out of excess earnings, 62½ per cent of such earnings would be applied to the repayment of this allocation. Assuming that there were no surplus earnings, however, after the \$140,000,000 had been repaid with interest, then this \$25,000,000 would be repaid out of earnings.

I desire to point out that the difference is one merely of interest. If the project earns, as I believe it will, a sufficient amount over a period of time to repay its cost of installation and upkeep, then the money would be returned. No other provision being made, the surplus revenues go into the Treasury of the United States.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. PHIPPS. I do.

Mr. KING. Is not the Senator in error in stating that the Government receives interest upon the entire amount of \$140,000,000? According to the amendment of the Senator, \$25,000,000 is deducted for the moment. Then the Government makes the advancement for the construction of the all-American canal, and that is not to draw interest. That is to say, we are to pay it out of the fund, but the Government does not get back interest for the amount which is utilized in the construction of the canal.

Mr. PHIPPS. No; that would come under the reclamation act under the provisions of this bill.

Mr. KING. The Senator knows that while we label it as coming under the reclamation act, as a matter of fact the amount needed for the construction of the all-American canal does not come from the reclamation fund, but comes from this \$165,000,000, and no payment is made to the Government of interest upon the advance. In other words, the all-American canal will be constructed with moneys taken from this fund, and no interest whatever will be paid to the Government by those who get that enormous sum.

Mr. PHIPPS. The Senator is correct.

Mr. KING. So that the \$140,000,000, then, does not draw interest.

Mr. PHIPPS. No; it does not all draw interest. The Senator is correct in that regard.

Mr. President, I hope my statement has been clear, so that there is no misunderstanding. I think it is a matter for the Senate to consider and decide. Of course, this provision is not in the House measure, and necessarily it would have to meet with the approval of the House if adopted here.

Mr. VANDENBERG. Mr. President, I feel bound to submit an observation at this point.

While the primary interest affected by this great structural project are exclusively localized in the West, there has been a distinct and an emphatic interest in the project in the East and the Middle West, and there has been an emphatic discussion revolving primarily around this fundamental question, namely, Is this a self-contained project financially, as the distinguished Senator from California has insisted from the moment the project was born?

We have had that discussion in Michigan; we have had it in Illinois; we have had it all through that area of the Nation; and we have persistently answered that under the terms of the bill the Treasury of the Nation is called upon for not one single penny in order to produce this great flood-control result.

As the situation stands up to the moment that the amendment of the distinguished Senator from Colorado appears, this still is the warrant in the proposed law. As a matter of fact, net result, even if the amendment be adopted, the Treasury still will be reimbursed for every penny that is involved in the project. It is the testimony of the distinguished Senator from Colorado, although he is the author of this pending amendment, that in his judgment the Treasury will be fully reimbursed in spite of the latitude in his amendment; and it is the emphatic testimony of the Senator from California, who knows more about this measure than any other Senator, and who unhesitatingly declares that the Treasury will be reimbursed, and who presents eloquent and decisive figures to prove it. Therefore, we confront this option—either to leave the warrant for the payment of the whole sum in the bill or to remove the warrant upon the last \$25,000,000, although we fully expect the payment to be made whether the warrant is there or not.

Mr. President, in view of the nature of the discussion up and down America upon this bill, and in view of the promise that has been made to millions and millions of people who are not related primarily to the project but emphatically are related to the tax rolls of the Nation, and in view of the promises that have been made to them that this bill does not involve a drain upon the Treasury, I respectfully submit that at this final moment, when this great enterprise is finally coming to fruition, it is tragic that the warrant should be withdrawn in any degree and any loophole or chance left for anybody to say that the bill has ceased to live up to its original prospectus and now does involve a drain upon the Treasury. Such action would seem to deny that we possess the courage of our convictions. I refuse to accept any such misleading classification. It but invites still more misunderstanding.

I feel that the amendment of the Senator from Colorado should be defeated in the interest of consistency with the theory upon which this entire project has been erected and in consistency with the theory upon which it has been defended up and down this Nation by Senators who have no relation to the States that are involved, who are willing and eager to assist in the great enterprise that is entailed but who want to remain in the same position they always have occupied, namely, that of defending a project which is fiscally self-contained and which continues to be fiscally self-contained even though the warrant be partially withdrawn.

I hope the warrant will stay in the bill.

Mr. PITTMAN. Mr. President, I think that under the report of the commission there may be some doubt in the future, not at present, but in the future, as to whether this power could pay the costs, including the \$25,000,000. It is true that it has been estimated by the Department of the Interior, and I think the estimates are largely sustained by the commission, that within 50 years, by selling the power at the switchboard at 3 mills per kilowatt-hour, the cost could be amortized in 50 years. But suppose that, considering the competitive price of steam in Los Angeles, you can sell it for but 2 mills per kilowatt-hour. Two mills per kilowatt-hour would not amortize the total amount in 50 years, according to the report of the commission. So you are taking chances as to whether they can sell it at the switchboard for 3 mills, and if, peradventure, the competitive price of steam power in Los Angeles reached a figure so that no one could afford to pay over 2 mills per kilowatt-hour for electricity at the switchboard, then you could not pay.

This is the situation: If you do not believe it is the duty of the Congress of the United States to protect the Imperial Valley and western Arizona against floods, you have no right

to vote for this bill under any consideration. This is not a power scheme, because we have a law regulating that. This is not a reclamation scheme, because we have a separate law covering that. There is but one excuse for this bill in this form, and that is that it is the constitutional duty of Congress to regulate interstate commerce, to protect and improve navigation on rivers, and so on.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. VANDENBERG. Admitting that the only justification for this act is in its flood protection character, what is the justification for linking a power project with a flood project, except for the purpose of making the power project finance the flood project?

Mr. PITTMAN. The Senator is entirely right; that is the only excuse for it. But the question is, suppose the power that can be generated there can not pay back all this money in 50 years. Then does the Senator think we should not have any flood control because of that fact.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. SHORTRIDGE. Indulging that supposition, suppose that after 50 years have come and gone and the Government has not been fully, as of that remote time, reimbursed, should it cause us to hesitate to pass this bill?

Mr. PITTMAN. No; it should not cause us to hesitate to pass this bill. I do not think the duty of Congress to provide for flood protection should be affected by the consideration of whether the Government is going to lose any money or not. It is an obligation that has been imposed on Congress by the Constitution of the United States. It is an exclusive power of Congress that has been taken away from the States. There is no body except the Congress of the United States that can protect against flood destruction in such a case as now confronts us in southern California and western Arizona. It is no use discussing whether or not the power from that dam will pay the cost in full or not. The question is, should the dam be built, and at what price can the power be sold? The bill now provides that it shall be sold at a competitive price.

This is the trouble: This amendment of the Senator from Colorado does not provide that the \$25,000,000 shall not be paid. All it provides is that the Government may commence this work when they have contracts that will insure the repayment of all except \$25,000,000 in 50 years, and that the \$25,000,000 will either be paid during the 50 years or after the 50 years. That is all there is to it.

I think we are careless, very careless, if we state that this dam shall not be built if the Department of the Interior can not contract for the sale of this power at a price that will return \$140,000,000 in 50 years. All we do by this amendment is this, we say that if the Government can contract for the disposal of power that will pay back all of this advancement for the dam in 50 years, then it can start to build; and then, if there is any surplus during the period of amortization 67½ per cent will apply to the \$25,000,000, and if it is not all paid off during the period of amortization, then 67½ per cent of all net revenues after amortization shall be applied.

What will be the net revenues after amortization? After amortization the net revenues will be nearly \$10,000,000 a year. That would pay off in three or four years after amortization the whole \$25,000,000 if it had not already been paid off before the end of the time. There is only one thing in this. It does not excuse the repayment of the \$25,000,000; it provides that the \$25,000,000 shall not be considered in the contract as a factor in determining when this dam shall be started.

I think we are taking serious chances, very serious chances, when we require that the Secretary of the Interior has to find that the returns from power within 50 years will pay the larger sum. It should be only based on the sum less \$25,000,000, with the same provision the Senator has made, that payment will be during amortization if possible, and if not possible, that it will be after amortization. I think it is very careless to take a chance on that.

The PRESIDING OFFICER. The question is on agreeing to the second division of the amendment offered by the Senator from Colorado, which the clerk will report.

The CHIEF CLERK. On page 3, line 11, after the figures "\$165,000,000," insert the following:

Of this amount the sum of \$25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per cent revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 4 of this act. If said sum of \$25,000,000 is not repaid in full during the

period of amortization, then 62½ per cent of all net revenues shall be applied to payment of the remainder.

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when his name was called). I have a pair with the junior Senator from Maryland [Mr. TYDINGS], who is absent. Not knowing how he would vote if present, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, and I being unaware as to how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. ROBINSON of Arkansas. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON] is necessarily absent. He has a pair on this question with the Senator from South Dakota [Mr. NORBECK].

Mr. WAGNER. I wish to announce that my colleague the senior Senator from New York [Mr. COPELAND] is necessarily detained from the Senate by illness in his family. On this question he has a pair with the junior Senator from New Jersey [Mr. EDWARDS].

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is detained from the Senate by illness.

Mr. EDGE. I wish to announce that my colleague the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate. I will let this announcement stand for the day.

The result was announced—yeas 49, nays 19, as follows:

YEAS—49

Ashurst	Fletcher	McNary	Steck
Barkley	George	Oddie	Steiwer
Bayard	Glenn	Overman	Stephens
Bingham	Goff	Phipps	Swanson
Blaine	Hale	Pittman	Thomas, Idaho
Bratton	Hastings	Ransdell	Tyson
Brookhart	Hawes	Reed, Pa.	Wagner
Capper	Hayden	Robinson, Ark.	Walsh, Mass.
Caraway	Jones	Robinson, Ind.	Walsh, Mont.
Couzens	Kendrick	Sheppard	Watson
Curtis	Keyes	Shortridge	
Dill	King	Simmmons	
Edge	McKellar	Smith	

NAYS—19

Black	Harris	Metcalf	Schall
Borah	Heflin	Neely	Shipstead
Deneen	Johnson	Norris	Vandenberg
Frazier	La Follette	Nye	Wheeler
Glass	McMaster	Sackett	

NOT VOTING—27

Blease	Gerry	Locher	Smoot
Broussard	Gillett	McLean	Thomas, Okla.
Bruce	Gould	Mayfield	Trammell
Copeland	Greene	Moses	Tydings
Dale	Harrison	Norbeck	Warren
Edwards	Howell	Pine	Waterman
Fess	Larrazolo	Reed, Mo.	

So the second division of Mr. PHIPPS's amendment was agreed to.

The VICE PRESIDENT. The Chair calls the attention of Senators to the fact that the hour of 3 o'clock having arrived, debate is now limited to 15 minutes under the unanimous-consent agreement.

Mr. PHIPPS. Mr. President, I call the attention of the Chair to an amendment which I have had printed and lying on the table, and which I now offer.

The VICE PRESIDENT. The Senator from Colorado proposes an amendment, which will be stated.

The LEGISLATIVE CLERK. On page 2, line 22, after the word "purposes," strike out the period and insert a colon, and the following:

Provided, That such hydroelectric plant and incidental structures shall not be constructed by the Secretary of the Interior if a satisfactory contract or contracts can be entered into with a State or States, or public subdivisions thereof, or individuals, associations, or corporations, in the order of their priority, for the construction of such plant and for the fullest economic development of electrical energy.

Mr. PHIPPS. Mr. President, I desire to say that this proposal was discussed and considered by the Committee on Irrigation and Reclamation, and it was left out on a very close vote. Since that time expressions from the President of the United States indicate his very strong opposition to a project in the form provided for in the House bill, which would be limited to construction by the Federal Government alone.

The proposed amendment would put it in the alternative so that in the event that the States themselves, municipal governments, or political subdivisions of a State, or private enterprise,

did not present to the Secretary of the Interior a proposal which, under the terms of the bill, he considered satisfactory in that it would insure return of the investment within the time and within the terms prescribed in the bill, then the Secretary of the Interior would have authority to construct at Government expense, with Government money, the power plant, provided he could satisfy himself that contracts made for the sale of the power or the leasing of the plant would bring the terms which would reimburse the Government for the outlay.

Mr. President, I do not care to speak and can not speak more than once on the bill, but I shall be glad to answer any questions Senators may desire to propound.

Mr. BORAH. Mr. President, I would like to ask the Senator a question.

Mr. PHIPPS. I shall be glad to answer the Senator if I can.

Mr. BORAH. Do I understand the Senator's amendment is to strike out certain portions of the bill?

Mr. PHIPPS. No; it is to add to the clause which authorizes the Secretary of the Interior to construct a plant at Government cost, a proviso that will authorize him to contract with States or municipalities or political subdivisions or with private enterprise for the construction of such plant.

Mr. BORAH. Does it leave it discretionary with the Secretary of the Interior as to which he shall do?

Mr. PHIPPS. It does, in the order of their priority.

Mr. JOHNSON. Mr. President, if the Senator will yield to me, I think I can put it in a word.

Mr. PHIPPS. I yield.

Mr. JOHNSON. This is one of the most important amendments presented to the bill and determines the much-discussed question in reference to power and possibly determines the policy which the United States Government shall now determine to be the policy of the Government in reference to works of this sort where power may be generated. The amendment of the Senator from Colorado postpones, as I understand it, the rights of the Government to erect a generating plant until every other conceivable possibility may have been exhausted. That is correct, is it not?

Mr. PHIPPS. I do not think it goes quite to that extent.

Mr. JOHNSON. We will not put it that broadly; but it postpones the right of the Government to construct a generating plant until there shall have been exhausted all efforts with the State, with the political subdivisions thereof, with individual associations, and with corporations in the order of their priority. Here is one of the controversial questions in relation to the bill and in relation to the policy which shall be pursued by the United States hereafter in the development of its water power. When the Senator from Colorado has concluded I desire to be heard.

Mr. BORAH. I will wait until the Senator gets through.

Mr. JOHNSON. I did not mean to interrupt the Senator from Colorado, but I thought perhaps I could make the situation clear in a word.

Mr. McKELLAR. Mr. President, I want to ask a question of the Senator from Colorado.

Mr. PHIPPS. I yield.

Mr. McKELLAR. The amendment provides:

If a satisfactory contract or contracts can be entered into with a State or States, or public subdivisions thereof, or individuals, associations, or corporations, in the order of their priority.

What priority is referred to?

Mr. PHIPPS. The priority there would be between political entities and private enterprise.

Mr. McKELLAR. Which would have the prior right? I do not understand that expression.

Mr. PHIPPS. A State would have priority over a municipality, for instance.

Mr. McKELLAR. Does the Senator mean in the order of the priority as stated in the amendment?

Mr. PHIPPS. It could be so construed.

Mr. McKELLAR. It ought to be stated clearly if that is so. I do not agree with the Senator's amendment at all.

Mr. BORAH. As I understand the amendment, in the first place no construction of the power proposition is to be made by the Government until the Government has undertaken to have it done either through the State, a municipal organization, or private association. Secondly—and this is a very important part of it, it seems to me—it is provided—

That such hydroelectric plant and incidental structures shall not be constructed by the Secretary of the Interior if a satisfactory contract or contracts can be entered into—

And so forth.

Who is to determine whether it is a satisfactory contract?

Mr. PHIPPS. The Secretary of the Interior. In the paragraph referred to we give him the power to construct, and this is a proviso amending that authority.

Mr. BORAH. In all probability that is the same as if there was no authority at all to construct on the part of the Government.

Mr. PHIPPS. No; I do not agree with the Senator in that, because it does not take away from the Secretary of the Interior his authority. It simply gives the Secretary the authority to determine for himself whether or not the works can be satisfactorily constructed through contracts with a State or private enterprise before he resorts to construction out of the funds in the Public Treasury.

Mr. EDGE. Mr. President, as I understand the amendment, in effect it expects the Secretary of the Interior to exhaust all other possible efforts to construct before the Government itself constructs.

Mr. PHIPPS. In other words, to satisfy himself that the provisions of the bill for repayment and other things can not be met by a contract with a municipality or private enterprise. Have I given full answer to the Senator's question?

Mr. EDGE. Not entirely. I have not compared the amendment with the section it proposes to amend, so I am not entirely familiar with the authority granted there. As I analyze the amendment, whatever the power given in the section which it proposes to amend, that power is waived or temporarily laid aside until the Secretary of the Interior exhausts any one of these possibilities to have a power plant constructed.

Mr. PHIPPS. That is substantially correct. He must determine first whether or not his authority to construct can be complied with through these various sources before he resorts to expenditure of Federal money.

Mr. BORAH. The Secretary of the Interior is to be the sole judge of whether it is to be more satisfactory to construct privately than publicly?

Mr. JOHNSON. That is quite true.

Mr. BORAH. Yes; it is true. It can not be otherwise under the proposed amendment.

Mr. BRATTON. Mr. President, I had intended to ask the Senator from Colorado a question, but I think it has been answered by the statements just made. The power of the Government to construct a plant is completely suspended and inert until the Secretary of the Interior negotiates with the State first. If he fails there, then it is with the subdivision; if he fails there, then it is with the private concerns; and if he fails from any of those sources to get an offer that he considers satisfactory, until that time the power of the Government to act is completely suspended.

Mr. PHIPPS. With reference to the power plant.

Mr. BRATTON. Yes; and the operation of it.

Mr. PHIPPS. Yes.

Mr. JOHNSON. Mr. President, I hope the Senate will give me its attention for just a few moments, so that there may be a thorough understanding of exactly what the situation is with reference to power. The Senate bill contains three options. Necessarily the matter has been left in an elastic state because of the size of the project and because of the necessity for financing such a tremendously enormous sum; but the three options provided by the Senate bill are, first, that the Government may lease the water at the dam for power purposes; secondly, that the Government may erect a generating plant and wholesale the power; and, thirdly, that the Government may erect a generating plant and lease units of power of such generating plant.

We have sought to arm the Government in every way that it is possible for the Government's protection and for the protection of our people. Originally, before this bill crystallized into its present shape, there were not the three options embraced within it, but the Government itself, after considering the bill and considering it at length and with great care, finally suggested the matter respecting the construction of a generating plant. I read the language of the Secretary of the Interior under which the amendment was made which authorizes the Government to erect that generating plant. He said:

The building of a unified power plant by the Federal Government in the place of allocating power privileges as proposed in the bill, is regarded as more efficient and cheaper. It will obviate controversies between applicants, and long delays in their adjustment. In the end, results will, I believe, be superior to those possible under an allocation of privileges. The area for the location of separate power sites is restricted. Allotments would not be equal in value. Some allottees would, therefore, have an advantage over others. It would result in the creation of operation and administration controversies to be avoided and which a unified development will avert.

In pursuance of that direction the bill was amended, in order that the Government might have all three of the options, which

might be exercised as the situation developed and as the circumstances demanded.

Now, what is proposed by the Senator from Colorado [Mr. PHIPPS]? That the Government be postponed in doing the very thing that the Government demanded of the proponents of this bill until every other method has been exhausted in the matter of the allocation of power or the making of contracts for power. The question arises, then, whether we shall now tie the hands of the Government of the United States in this bill in relation to the generation of power by others than the Government, or whether we shall leave the Government free to protect the people. That is the point that is involved. It is not a question of Government ownership at all; it is not a question of Government operation at all; it is not a question of the Government distributing power, nor a question of the Government retailing power, nor of the Government going into business in the slightest degree. The only question is whether we shall take from the Government the right, where power is generated in an amount greater than ever before contemplated by any works, to protect itself and its people and relegate it to the postponement of its right and its duty.

Mr. PHIPPS. Mr. President, will the Senator from California yield for a question?

Mr. JOHNSON. I yield.

Mr. PHIPPS. I wish fully to understand whether the Senator from California is opposed to having in this bill a clause which will permit construction by the States, by municipalities, or by private enterprise?

Mr. JOHNSON. Of course not. The bill so provides. I am saying that the Federal Government shall have the power—that is all—to protect itself if it shall be necessary, and the option and the right to erect a power plant, and that that option and that right shall not be taken from the Government by any act of Congress.

Mr. PHIPPS. Mr. President, I ask the Senator if he will be good enough to indicate the section and line in the bill where that is made clear?

Mr. JOHNSON. Where what is made clear?

Mr. PHIPPS. Where it is made clear that these plants may be constructed by States, by municipalities, or by private enterprise.

Mr. JOHNSON. The leasing clauses make that clear. The fact that the Secretary of the Interior has the right under the provisions of the bill either to lease the power, to lease the water, to lease units of power, or to construct a generating plant. That is where and how.

Mr. PHIPPS. I call the Senator's attention to the fact that the only place in the bill where, I believe, he will find that a lease is provided for is on page 11, beginning in line 16, where the language reads:

or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

Is not that correct?

Mr. JOHNSON. But the entire proviso reads:

The Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided.

Mr. PHIPPS. That relates to the main dam itself beyond question.

Mr. JOHNSON. Of course, it relates to the main dam itself.

Mr. ODDIE. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nevada?

Mr. JOHNSON. I yield.

Mr. ODDIE. I should like to ask the Senator a question. He referred to the statement made by the Secretary of the Interior in regard to the clause on which he just commented. Does not the Senator believe that the President had knowledge of and sanctioned that statement of the Secretary of the Interior?

Mr. JOHNSON. Most assuredly I do. On what theory can it be maintained that one of the distinctive arms of the Government in a matter of grave consequence and great importance adopts a policy and then that the head of the Government is at variance with that policy? I can not for a moment tolerate any such suggestion.

Mr. FESS. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. FESS. I understand from the Senator's interpretation, that the Government can under the amendment offered by the Senator from California—that is, under the original Senate bill—proceed to contract for the erection of a plant by private enterprise?

Mr. JOHNSON. Certainly, or erect it itself. The elastic power is given to the Secretary of the Interior. It is necessary in the administration of the bill.

Mr. FESS. I should like to say if the Senator will permit me—

Mr. JOHNSON. Certainly.

Mr. FESS. That I should like to vote for a measure that will give the authority to the Government to contract with private enterprise. I should not like to vote for a bill that would make it compulsory and leave no other option except the Government doing the work itself. Yet, at the same time, I would not want the bill defeated because of an incident such as that.

Mr. JOHNSON. The difference between the House bill and the Senate bill is exactly what has been indicated by the Senator from Ohio. The House bill was amended upon the floor so that under the House bill which is before the Senate, as well as the substitute Senate bill, by what is known as the Davenport amendment the erection of a generating plant is made mandatory upon the Government, while under the Senate bill it is not made mandatory; it is merely an option which the Government may exercise as the circumstances may determine or warrant. The reasons presented for the Davenport amendment were cogent and persuasive.

Mr. FESS. As I understand the interpretation of the amendment of the Senator from Colorado, the Government might say, "We are not satisfied with the proposals and therefore will never construct the plant; we are waiting to be satisfied by the proposals of various agencies."

Mr. JOHNSON. That may be so, but I think that it postpones any right of the Government until every other means has been exhausted.

Mr. FESS. That appears to be the case to me.

Mr. BORAH. It not only postpones, but it prohibits until the party in power in the Interior Department has made up his mind that it is better to go into it as a Government operation than as a private enterprise. It is left absolutely with him.

Mr. JOHNSON. That is true.

Mr. EDGE. Is not that true under the bill without the amendment?

Mr. BORAH. If we get a chance to vote on the so-called Davenport amendment, it may not be so.

Mr. EDGE. I am speaking of the bill as described by the Senator from California.

Mr. JOHNSON. In the Senate bill the matter is left optional with the Government, that is, with the Secretary of the Interior, who is the administrative officer under this plan; it is left optional with him whether or not he, for the Government, will build the plant, lease the units or wholesale the power.

Mr. ROBINSON of Arkansas. It is optional with him whether the plant shall be built by private or public effort.

Mr. JOHNSON. Yes, sir.

Mr. ROBINSON of Arkansas. That was not comprehended in the statement which the Senator made.

Mr. JOHNSON. Yes, sir; that is so.

Mr. ROBINSON of Arkansas. Under the Senate bill the Secretary of the Interior would have the power to determine whether the power plant shall be constructed by private or public agencies.

Mr. JOHNSON. Exactly; and if the Senator will turn to the bill, the Davenport amendment, in order to make it mandatory on the part of the Government, struck out in line 16, page 11, the words:

or alternatively to enter into contracts of lease for the use of water for the generation of electrical energy.

Mr. STEIWER. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. STEIWER. May I ask the Senator from California if the authority to permit private enterprise to build hydroelectric works is to be found in the language just alluded to on page 11 of the substitute bill commencing in line 13?

Mr. JOHNSON. Yes, sir.

Mr. STEIWER. Further answering the question just propounded by the Senator from Arkansas [Mr. ROBINSON], it occurs to me that I should call attention to the language there used. It is there provided—

That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant.

Mr. JOHNSON. Yes.

Mr. STEIWER. With the right to do certain things. Is it not worthy a moment's consideration of the Senator from California as to whether the words "Government-built plant" shall remain in the bill?

Mr. JOHNSON. They ought to remain. There follows, however, the alternative, if the Senator will read a little further, which is:

or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy.

Mr. BORAH. If this amendment should be defeated, then the Senate bill would be before us?

Mr. JOHNSON. Yes, sir.

Mr. BORAH. And if we chose to do so we could offer the Davenport amendment, which would raise the question directly?

Mr. JOHNSON. Exactly.

Mr. PITTMAN. Mr. President, I think the objection, if there is any, to the language in the bill as it now stands is this:

In one place in the bill it provides that the Government may construct this plant and contract with regard to the sale of electricity at the switchboard, or that it may contract for the use of the water for the generation of electricity. But, sir, on page 2, at line 16, we find this apparently contradictory statement:

Also to construct and equip, operate, and maintain at or near said dam a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir.

I think if we were to insert, on line 17, after the word "dam," the words "or cause to be constructed" the whole bill would then be in perfect harmony.

Mr. JOHNSON. The Senator may be correct in that; but, at the same time, I deem it wholly unnecessary, because the authorization on page 2 is a mere authorization—that is all—for the construction of a plant. It is nothing more than that. If you will observe, the Secretary of the Interior is hereby authorized to do thus and so—to construct, equip, operate, and maintain. After he is authorized to construct a plant he is authorized to enter into contracts for the lease of a unit or units of any Government-built plant, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy. It is merely that he is given an authorization to erect a plant, then to lease it wholesale, to lease it in units, or, alternatively, to lease the water; but he does not have to construct the plant at all.

Mr. PITTMAN. No; he may not. He is only authorized to build a dam, but it is taken as an instruction that he shall build it.

Mr. JOHNSON. No; he is only authorized to build the dam and he is only authorized to build the plant. That is quite so.

Mr. PITTMAN. And he is authorized to build the plant.

Mr. JOHNSON. Exactly.

Mr. PITTMAN. Now, at a later place in the bill it states that he may, if he sees fit, lease the water instead of building the plant.

Mr. JOHNSON. Certainly. What is the provision that the Senator suggests? If it will make it any plainer, I have not the slightest objection to it.

Mr. PITTMAN. I would suggest inserting, after the word "dam," on line 17, page 2, the words "or cause to be constructed."

Mr. JOHNSON. All right.

Mr. PITTMAN. I think if that is done, even from the viewpoint of the Senator from Colorado, his amendment is entirely unnecessary.

Mr. JOHNSON. If there is no objection I will accept the amendment of the Senator from Nevada and insert it. Is there any objection to that?

Mr. KING. Mr. President, has the Senator from California the floor? I do not desire to take him from the floor.

Mr. JOHNSON. No; I want to dispose, first, of the suggestion of the Senator from Nevada. I accept it; and if there is no objection, Mr. President, I ask that the amendment be made as suggested—that is, that after the word "dam" in line 17, page 2, there be inserted the words "or cause to be constructed."

Mr. KING. That is to say, as I understand the Senator from California, we are not considering in the suggestion just made by him the amendment offered by the Senator from Colorado [Mr. PHIPPS].

Mr. JOHNSON. It came up in conjunction with the consideration of that amendment, of course.

Mr. KING. I ask so that there may be no misunderstanding; I have no objection to that amendment.

Mr. PHIPPS. Mr. President—

Mr. KING. I yield to the Senator from Colorado.

Mr. PHIPPS. This being a separate amendment from the one we are talking about in a sense, and yet virtually the same

thing, it seems to me that with his usual facility the able Senator from Nevada has found a solution for a difficulty. The bill was inconsistent, to my mind and to the minds of some others, in that the first section does not correspond with the language of the later section to which I called attention. If it is satisfactory to accept this amendment, which the author of the substitute amendment now under consideration is willing to do, that will be acceptable to me, and I shall thereupon ask permission to withdraw the amendment I have offered.

Mr. JOHNSON. All right, sir.

Mr. BORAH. Mr. President, that makes it interesting to know what the effect of this amendment will be if it is accepted. Does it accomplish the same thing that the amendment of the Senator from Colorado will accomplish?

Mr. PHIPPS. No; it does not.

Mr. JOHNSON. I do not so understand it at all. I do not understand that the amendment in the slightest degree alters the options to which I have adverted, which the Government has; and that, I take it, is the understanding of the author of the suggestion.

Mr. PITTMAN. That is the idea, except that it makes it harmonious in both places.

Mr. KING. Mr. President, I think I have the floor; and I will conclude what I have to say.

Mr. JOHNSON. Mr. President, will the Senator yield for a question? Do I understand that the Senator from Colorado now has withdrawn his amendment?

Mr. PHIPPS. That is what I was about to ask leave to do. That is predicated, of course, upon the acceptance of the amendment of the Senator from Nevada.

Mr. JOHNSON. That is adopted.

Mr. PHIPPS. If that is adopted, then I desire to withdraw my amendment.

Mr. KING. Mr. President, let me ask the Senator from Colorado, then, in view of his statement, whether he understands that the amendment which has just been accepted compels the Secretary of the Interior, before the Government shall construct the power plants, to afford to municipalities or to the States or to private individuals the opportunity to build the plant?

Mr. PHIPPS. No; it does not. It does not impose any order of priority in which proposals may be considered.

Mr. KING. Does it require him to make the offer at all? Does the bill, as it is now perfected by the acceptance of the amendment offered by the Senator from Nevada, compel him to seek any outside agency for the construction of the dam; or may he not, in the exercise of authority conferred upon him, proceed and build the dam without giving any opportunity to Los Angeles or to any municipality or to any State to bid upon the project?

Mr. PHIPPS. That is my understanding.

Mr. KING. That is my understanding; and if the Senator is under the impression that there is any obligation upon the part of the Secretary of the Interior as the bill now stands, without the Senator's amendment, to make the offer to Los Angeles or any municipality or any corporation or individual to enter into a contract for the construction of the power plant, then the Senator would be mistaken, for no such requirement exists now.

Mr. PHIPPS. No.

Mr. KING. And he may, as I say, construct a power plant without giving to any organization or city or State the option to construct it.

Mr. PHIPPS. I am perfectly aware of that. The Senator is correct.

Mr. EDGE. Then, Mr. President, may I ask why the Senator from Colorado withdraws his amendment?

Mr. PHIPPS. I withdraw it because I believe we can safely leave the matter to the department. I do not believe the department is going to resort to the expenditure of Federal money for the purpose of constructing a power plant without finding out whether or not the requirements may be met by private enterprise. I believe private enterprise will ask for the opportunity to present proposals or offers to construct and use this plant.

Mr. ROBINSON of Arkansas. In all probability the head of the department, following the suggestion of his chief, would prefer to have the plant constructed at private expense if a satisfactory arrangement could be made.

Mr. PHIPPS. That is my belief.

Mr. PITTMAN. Mr. President, I wish to correct an error. At least, as I understood both the Senator from Utah and the Senator from Colorado, they have made a misstatement with regard to the effect of this bill.

The bill expressly provides, in subdivision (c) of section 5, commencing on the bottom of page 8:

Contracts for the use of water and necessary privileges for the generation and distribution of hydroelectric energy or for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal water power act as to conflicting applications for permits and licenses—

Under the Federal water power act, States and municipalities are given a priority over corporations and individuals in the event of conflicting applications.

The bill goes on further to say:

Except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State for the generation or purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as such applicants.

I mean to say that no matter which of the options the Secretary of the Interior sees fit to utilize, the priority of States and municipalities to license rights or to buy the power at the switchboard is still maintained in the bill.

Mr. JOHNSON. I want to make that emphatically plain—that the preferential rights that are accorded at the present time under the law are preserved by this act, and that those preferential rights are exactly as indicated by the Senator from Nevada.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada to the substitute bill.

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. JOHNSON. Mr. President, that vote was on the amendment suggested by the Senator from Nevada?

The VICE PRESIDENT. Yes. The Senator from Colorado withdrew his amendment, as the Chair understands.

Mr. PHIPPS. Yes; I withdraw my amendment.

Mr. PITTMAN. Mr. President, are amendments now in order?

The VICE PRESIDENT. The amendment of the Senator from Colorado having been withdrawn, the original amendment, in the nature of a substitute, is now open to further amendment.

Mr. PITTMAN. Mr. President, I desire to offer two amendments. I should like to have them read first together; then I will offer them separately.

The VICE PRESIDENT. The amendments will be stated.

The LEGISLATIVE CLERK. On page 5 it is proposed to strike out all of subdivision (b) and to insert:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Also insert, at the bottom of page 5:

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, for the storage of water in said reservoir and for the delivery thereof through said main canal for irrigation, in accordance with the provisions of the reclamation law, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

Mr. PITTMAN. Does the Senator from California desire to have that printed and that it go over?

Mr. JOHNSON. This is the first time I have heard it. The latter amendment is one which I do not think ought to be adopted, but I say that only after listening to the reading of it. These have just been offered?

Mr. PITTMAN. Yes; just offered.

Mr. JOHNSON. They have not been printed?

Mr. PITTMAN. No.

Mr. JOHNSON. I desire that they shall be printed, so that I may look at them hereafter.

Mr. PITTMAN. Let me say this to the Senator: On page 6 is subdivision (b), which is in the same language as each one of these amendments, except that in that are grouped not only the dam and the power house but the all-American canal; and it is required that no appropriations can be made, or any construction work started, on the dam or the power house or the canal, or anything, until contracts have been obtained to repay the cost not only of the dam and the power house but the canal.

I have just separated them; that is all. In one case I state that no appropriation shall be made and no construction started on the dam or power house until contracts have been obtained that will guarantee the repayment of the cost of the building of the dam and the power house within 50 years. Then I provide exactly the same thing with regard to the canal. I require in that amendment that no appropriation shall be made or construction started on the all-American canal until the Secretary of the Interior has made provision by contract or otherwise for the repayment of the expenses incurred in building that canal by the sale of water.

Mr. JOHNSON. I ask that those amendments be printed so that we may have them before us.

Mr. PITTMAN. I will present one other amendment and have it printed. I will not offer it to-day. I ask that it be read and then printed. I call the particular attention of the Senator from California to this amendment.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 2, line 13, after the word "law," insert the words "and shall not be paid out of revenues derived from the sale or disposal of water power or electric energy or for water for potable purposes outside of the Imperial and Coachella Valleys."

Mr. PITTMAN. My reason for that, of course, is that, as has been stated by the Senator from California and others familiar with this bill, there is no tax upon the hydroelectric power for the building of the all-American canal.

Mr. JOHNSON. Let it lie upon the table and be printed, please.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from California.

Mr. KING. Mr. President, I invite the attention of the Senator from California and the Senator from Nevada, as well as the other Senators who are interested in this bill, to the first page and the concluding part of the first sentence on the next page. I will read it, so as to make relevant the amendment which I shall offer.

That for the purpose of controlling the floods, improving navigation, and regulating the flow of the lower Colorado River, providing for storage and for the delivery of the stored waters thereof for reclamation of public lands and other beneficial uses exclusively within the United States—

I emphasize these words—

and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking.

The Secretary of the Interior, subject to the terms of the Colorado River compact, is authorized to undertake certain steps. It would seem that this language is somewhat contradictory to the general purpose as explained by the Senator from California and conceded by all, namely, not only to make the enterprise solvent but for the purpose of obtaining revenue from the sale of water and from the sale of power. I am not so sure that the words which I have just read would not limit the Secretary of the Interior if he saw fit to charge such rates only for the sale of power and the sale of water as would make it financially solvent.

What is a financially solvent enterprise? It may be financially solvent if it pays its debts. I think, perhaps, it may be said, technically speaking, that an institution is solvent financially though there are no profits derived from the execution of the purposes for which it was organized, and in view of the fact that there is no difference of opinion as to the object of the project, and no difference of opinion as to the desire that it shall not only be a solvent institution, in the sense of its capacity to pay its debts, but that it shall produce some revenue. I think the limitation expressed in the words which I have just read should be modified, and that may be done very readily by adding, after the word "energy" and before the word "as," on line 6, page 1, the words "together with revenues from the sale of power," so that it will read:

and for the generation of electrical energy, together with revenues from the sale of power, as a means of making the project herein authorized a self-supporting and financially solvent undertaking, and in order that it will yield reasonable profits.

I shall not ask a vote upon those two amendments, but I shall offer them for the consideration of the Senate to-morrow, and, if necessary, I shall have them printed. I believe that the words of the bill, without modification, would require the Secretary of the Interior only to make the enterprise solvent and would not require of him to make contracts that would meet the obligations of the Government and obtain profits, as I am sure it is desired shall be done from the power and from the sale of water.

Mr. HAYDEN. Mr. President, I have just listened to the reading of an amendment proposed by the Senator from Nevada [Mr. PITTMAN]. I have prepared an amendment of my own that will accomplish the same purpose, which I intend to offer now and ask to have printed. I think we are in entire accord and also in accord with the author of the bill, that the all-American canal should be considered a separate and distinct enterprise from the dam and the power plant.

As the bill now stands, the funds for three purposes are included in one lump sum, money to build the dam, money to build the power plant, and money to construct the all-American canal. The terms of repayment for the dam and the power plant, if constructed by the Federal Government, would be different from the terms of repayment in the case of the building of the all-American canal, which the bill specifies shall be repaid under the terms of the reclamation law. To make the distinction perfectly clear, I shall offer this amendment, which I ask to have read, and to have it lie upon the table.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 6, line 23, after the words "section 4," insert the following:

Provided, That all such contracts to insure the repayment of all amounts advanced for the construction of the canals and appurtenant structures authorized by this act, and to insure the payment of all expenses of operation and maintenance of said canals and appurtenant structures incurred by the United States, shall conform to the requirements of the reclamation law and shall attach and relate solely to the lands coming under and benefited by such canals and appurtenant structures, and no obligation or burden for the repayment of the amounts advanced for the construction of such canals or appurtenant structures or for the payment of expenses of the operation and maintenance thereof shall be imposed upon the revenues derived from the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy and/or the sale of hydroelectric power and/or the storage of water as provided for in this act.

Mr. HAYDEN. There is another item to which I should like to direct the attention of the Senate at this time. The all-American canal is to be connected with the Laguna Dam. The Laguna Dam was originally constructed for the benefit of a Federal reclamation project, partly in California and partly in Arizona, the major portion of it being in the vicinity of Yuma, Ariz. The pending bill contemplates that the main canal leading from that dam shall be enlarged, and shall be jointly used by the Yuma project and the Imperial irrigation district and other lands to be served under the all-American canal.

The water users of the Yuma project are fearful of certain terms in the bill which authorize the Secretary of the Interior to transfer the title of the canal and appurtenant works to the districts which use it in proportion to their investment. It is felt by the people of the Yuma project that title to the Laguna Dam and the main canal, so far as they are jointly used, should remain in the United States.

There is also in existence a contract between the Imperial irrigation district and the United States authorizing a connection with the Laguna Dam, which contains, among its terms, a provision that power may be developed at a point known as Pilot Knob, and that the Yuma project shall enjoy a share of the advantage of the development of power at that point.

In order fully to protect the interests of the Yuma reclamation project, I offer the following amendment, which I ask to have read and to have it lie upon the table.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 13, line 11, insert the following:

Provided, That title to the Laguna Dam and auxiliary works and the main canal from said dam down to and including the Syphon Drop shall remain in the United States until otherwise provided by Congress and all power possibilities on said main canal below Syphon Drop down to and including Pilot Knob shall be developed for the joint benefit of the Yuma reclamation project and districts or other agencies having a beneficial interest therein.

Mr. JOHNSON. Let that be printed and lie on the table, so that we may get it to-morrow.

Has the Senator from Arizona presented all of the amendments he desires to be heard upon?

Mr. HAYDEN. At this moment; yes. I have an amendment pending relating to power that we shall want to take up a little later.

Mr. JOHNSON. There is one pending in relation to taxation, is there not?

Mr. HAYDEN. Yes.

Mr. JOHNSON. Is the Senator ready to proceed with that?

Mr. ASHURST. Mr. President, I have an amendment which I present at this time.

Mr. JOHNSON. I suggest, if the amendment has not yet been presented, that it may be printed.

Mr. ASHURST. It has been printed. It is my amendment No. 35, and is as follows: On page 16 of the substitute, H. R. 5773, after the word "district," on line 23, insert the following language: "and the express consent of the Yuma County Water Users' Association."

Mr. President, section 10 empowers the Secretary of the Interior, with the consent of Imperial irrigation district, to modify the existing contract, dated October 23, 1918, authorizing the use of Laguna Dam for the diversion of water for the irrigation of Imperial Valley. That may appear reasonable enough to the casual observer, since the Secretary of the Interior and Imperial irrigation district are the parties of record to the contract in question. It should be understood, however, that the contract, in all of its details, relates to property rights and interests vital to the welfare and existence of Yuma project.

The Secretary of the Interior is a party to the contract merely in his capacity as an officer of the United States, in which the title to the Yuma project temporarily vests. The contract was the result of long negotiations, in which the negotiating parties were representatives of Imperial irrigation district on one hand and Yuma project on the other.

The protection to Yuma project, as embodied in the completed agreement, was the result of hard labor and determined effort over the attempts on the part of the California representatives seeking, as they now seek, every advantage for themselves. To disturb the status quo of this contract and agreement without the consent of the organization conducting the affairs of the landowners and water users of Yuma project, which originally confirmed its provisions, would constitute a violent outrage of the rights of those water users.

It may be asserted that the Secretary of the Interior will consult the interested project members, or their representatives, before modifying the contract, as did a previous Secretary of the Interior when the instrument was originally formulated. That does not necessarily follow. Secretaries come and Secretaries go. Secretaries have been known to be partisan. They are human and humanity is beset with frailty. The water users of Yuma project might, indeed, be consulted, but their protests might go unheeded. In any event, it is proposed to empower the Secretary, with the consent only of one party, namely, the Imperial irrigation district, to modify this contract in which Yuma project's very existence is bound up, and the peril that lurks in the provision is clearly shown by the alacrity with which a proposal made in committee for an amendment that would have required the consent of the Yuma County Water Users' Association, was rejected by champions of this bill. The suggestion that Yuma project has any interest in the contract was treated with contempt.

If there were any doubt as to the seriousness of the purpose intended in the authority extended by section 10, it would be removed by turning back to section 7.

By the agreement entered into on October 23, 1918 (appendix to House hearings on all-American canal in Imperial County, Calif., 1922, p. 245), it is declared that Laguna Dam was constructed "in connection with the Yuma project, Arizona-California"; that Imperial irrigation district desires to secure "the right to divert water at said dam"; that the said district is authorized to contract with the United States "for a supply of water"; that the district shall proceed to secure cost data "for the diversion of water" at Laguna Dam and thence "through the existing main canal of the Yuma project" and for a main canal to "connect with said main canal of the United States at a point described as Siphon Drop"; that "for the right to use the Laguna Dam, the main canal, and appurtenant structures, and the maintenance and operation thereof."

Mr. SHORTRIDGE. Mr. President—

Mr. ASHURST. I yield to the Senator from California.

Mr. SHORTRIDGE. The provision of section 10 speaks of the contract between the United States and the Imperial irrigation district, to which contract the Yuma irrigation district was not a party.

Mr. ASHURST. On the face of the paper—that is, on the face of the bill, it might appear that the Senator is correct; but the fact is the Secretary of the Interior acted as umpire or referee for the Yuma County Water Users' Association.

Amity and friendship have always existed between the Imperial Valley irrigation district and the Yuma County Water Users' Association and I respectfully insist that it is not fair, it is not just in legislation, when there is a contract existing between two parties, to say that the contract may be modified at the behest and suggestion of or upon the consent of but one of the parties thereto.

Senators, I simply propose that the contract shall not be modified without the consent of both irrigation districts. I appeal to the sense of fairness in men, that the contract should not be changed at the behest of one of the parties thereto.

It would be a grinning bit of irony if one of the counties in the State of Arizona, which has always been for this bill, should be singled out and penalized by the bill.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is upon agreeing to the amendment submitted by the senior Senator from Arizona.

Mr. JOHNSON. Mr. President, may I suggest that I will take this up with the Imperial Valley people to-night and that we let it rest until to-morrow.

Mr. ASHURST. That is a sensible suggestion. Let it go over until to-morrow.

Mr. SHORTRIDGE. Mr. President, this is a contract entered into by two parties, the Government on the one side and the Imperial irrigation district on the other. The observations of the Senator seem to have been prompted by the thought that somebody is hostile to the Yuma County Water Users Association. It is new doctrine that a party not a party to a given contract must be consulted before that contract is modified. Of course, the Government in entering into this contract had a very lively regard, a kindly, sympathetic regard, for the people of Arizona; and if the Government was so actuated and had that regard for the people of Arizona, may not the Senator assume that the Government would not so modify the contract as to injure the people so directly interested?

Mr. ASHURST. Mr. President, I will say that I have no fear that the present Secretary of the Interior would do any injustice. I have imbibed a respect for the character and attainments of Mr. West, the present Secretary of the Interior, but we have had Secretaries of whom I could not say that.

Mr. SHORTRIDGE. Just this word, then, in conclusion: We did trust our Government, speaking through the Secretary of the Interior, in respect to entering into the contract in question.

Mr. ASHURST. May I interrupt the Senator?

Mr. SHORTRIDGE. Pardon me just a moment. I am perfectly willing to trust the present or future Secretary or Secretaries of the Interior. What the Senator from Arizona asks, out of his ardent love and devotion for his people, is that we must rely in the future upon the Yuma County Water Users' Association, and if they should be unreasonable, or what not, the Government nevertheless could not and the Imperial irrigation district nevertheless could not in any wise modify, even to any extent, the existing contract. In other words, the Senator is asking us to place implicit, irrevocable confidence in certain of his constituents, and for all time. However, let the matter rest, so far as I am concerned, until to-morrow.

Mr. ASHURST. I am willing that it may go over until to-morrow.

Mr. JOHNSON. Mr. President, the Senator from Utah [Mr. KING] has a number of amendments that I think can be disposed of very readily. If he will do me the kindness to offer them, we can take them up one by one and, I think, dispose of them within a very few minutes.

Mr. KING. Mr. President, I offer the following amendment, which has been printed and lying on the table.

Mr. JOHNSON. I am speaking of the printed amendments. The PRESIDING OFFICER. Let the amendment be reported by the clerk.

The CHIEF CLERK. On page 20, after line 20, insert the following:

Sec. 15. In furtherance of any comprehensive plan formulated hereafter for the control, improvement, and utilization of the resources of the Colorado River system and to the end that this act may be administered as a unit in such control, improvement, and utilization, any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall act in an advisory capacity to and in cooperation with the Secretary of the Interior in the exercise of any authority under the provisions of sections 4, 5, and 14 of this act, and shall have at all times access to records of all Federal agencies

empowered to act under said sections, and shall be entitled to have copies of said records on request.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. KING. I offer the amendment which I now send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, line 14, strike out the words "disposed of as may" and insert the words "kept in a separate fund to be expended within the Colorado River Basin as made," so as to make the paragraph read:

After the repayments to the United States of all money advanced, with interest, charges shall be on such basis and the revenues derived therefrom shall be kept in a separate fund to be expended within the Colorado River Basin as may hereafter be prescribed by the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

Mr. KING. Mr. President, I ask the attention of the Senator from Colorado to the amendment which I am about to send to the desk. I am inclined to think that it is at variance with an amendment which I have heretofore offered. Let the amendment be read, and then I shall explain it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The CHIEF CLERK. On page 2, line 15, it is proposed to strike out the words "irrigation or water for potable purposes," and to insert "use in Imperial Valley, or in said valley and additional areas served by said canal."

Mr. KING. Mr. President, when I first approached this subject it seemed to me that the lands in the Imperial Valley which are to receive such great benefit from the construction of the storage reservoir should be subjected to a reasonable payment annually for the benefit derived from the storage. I, therefore, offered an amendment proposing to strike out the provision which would exempt them from the payment of rentals for the use of the storage water. Upon consideration and upon further explanations made by persons living in the Imperial Valley, and by gentlemen representing what might be called the California side of the case, I reached the conclusion that perhaps it might not be just, in view of the fact that the Imperial Valley people would have to construct the canal, to impose upon them burdens for storage purposes and levy a charge upon them annually for water received from the reservoir. I reached that conclusion in part for the reason that the lands in the Imperial Valley which have been irrigated have, perhaps, a vested right, and it might be questionable whether we would have the power to impose a charge upon them for the use of water. At any rate, I gave them the benefit of all doubt, and I have offered this amendment, the effect of which, if adopted, will be that the Imperial Valley and the Coachella Valley will not be required to make payment for storage waters.

Mr. PHIPPS. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. KING. I yield.

Mr. PHIPPS. Did the Senator hear read the amendment bearing on this same feature of the bill that has been proposed by one of the Senators, I believe the Senator from Arizona? The amendment was read and ordered to be printed and lie on the table.

Mr. KING. No; I did not hear the amendment read.

Mr. PHIPPS. I think the two amendments relate to the same feature of the bill. I will ask the Senator from Utah if the particular amendment he is now discussing has been printed?

Mr. KING. It has been printed in a different form.

Mr. PHIPPS. But not in the form in which it is now presented by the Senator.

Mr. KING. No.

Mr. PHIPPS. I will suggest to the Senator from California that it might be wise to allow this amendment to be printed and lie over with the others.

Mr. JOHNSON. If there is any objection to the amendment or any desire that that shall be done, it will be agreeable to me.

Mr. HAYDEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. KING. I yield.

Mr. HAYDEN. Mr. President, there is no land under the all-American canal which should be required to pay any charge

for storage of water in the proposed Boulder Canyon Reservoir. One serious objection that those of us who speak for the State of Arizona have had to this bill in its original form has been removed by segregating the all-American canal from the power and the dam project.

It is quite obvious that the landowners in the Imperial Valley under the new arrangement are to be required to assume a very serious financial burden. It is my best judgment, from a knowledge of irrigation conditions in the Southwest, that the burden they are asked to assume is all that they should be required to bear. For that reason I heartily favor the suggestion made by the Senator from Utah that it be made perfectly clear in this bill that no charge for the storage of water shall be imposed upon any land within the Imperial Irrigation District or any other district which derives water from the all-American canal.

Mr. PHIPPS. Mr. President, will the Senator from Utah yield in order that I may ask the Senator from Arizona a question?

Mr. KING. I yield.

Mr. PHIPPS. I should like to ask the Senator if he is aware of the fact that many of the Senators have called attention to the practice under the reclamation law whereby every project that has been so far instituted has been required to pay not only for all canals for transporting the water but also for the dams which retain the water for storage purposes? To leave the matter open might, perhaps, be satisfactory in that the department could determine whether or not the lands to be irrigated could bear a burden in addition to their proportionate cost of the canals necessary to be constructed. Now, to write into a bill a declaration whereby lands to be irrigated under this project will be exempted from ever being taxed for any portion of the cost of the dam or for storage of water that is desalted might be establishing a precedent which should be very carefully considered before being finally adopted.

Mr. HAYDEN. I may say to the Senator that I have given very careful consideration to the matter. In the instance of the Salt River project the Federal Government constructed a dam. Later, with money obtained from the water users, power plants were developed. The water users' association uses the proceeds from the sale of power to aid in reimbursing the Government for the cost of the project.

There the storage of water and the development of power are all in one project, while in this instance the dam is located many, many miles above the point of diversion on the Colorado River, and the bill contemplates that the receipts from the sale of power will reimburse the United States for the cost of that dam. If the United States is to be reimbursed for the cost of the dam at Boulder Canyon from power, what is the necessity for securing a revenue from farmers in the Imperial and Coachella Valleys who, it is true, are benefited by the dam, but who likewise are required to expend large sums of money in the development of their own project?

Mr. PHIPPS. Mr. President, if the department is in position and finds itself able to enter into contracts that will guarantee the return of those advances, that is one thing; but suppose it is unable to do that unless it is in position to figure that revenue may be derived from waters that are stored for use on irrigation projects or for domestic supply as potable water, as expressed in one item of the bill?

Mr. HAYDEN. Mr. President, as to revenue from the latter source I think it is entirely feasible to obtain it and entirely proper that it should be obtained, because an essential service is to be rendered to the municipalities in southern California not only in impounding but in desalting potable water. In the second place, a charge of that kind would be spread so thinly over the consumers of domestic water that they would never notice it; but when there is added a substantial charge for storage on top of the other reclamation charges the cost would be made so high that the farmers in the Imperial and Coachella Valleys could not bear it. That is my judgment upon this subject.

Mr. JOHNSON. Does the Senator from Colorado object to the consideration of the amendment?

Mr. PHIPPS. I would prefer that it go over until to-morrow, because I think there are other Senators interested in that feature who would like to consider it.

Mr. JOHNSON. Let the amendment go over until to-morrow, then.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. KING. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 20, line 16, it is proposed to strike out the word "headwater."

Mr. JOHNSON. There is no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I offer another amendment, and I will say in explanation that undoubtedly in the committee in following the language of another bill, a power bill, there was left out the word "recapture." I present this amendment in order to conform to the language in the other bill which has been followed in this bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 6, after the comma following the word "profits," it is proposed to insert the words "recapture and/or."

Mr. JOHNSON. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 2, before the word "Colorado," it is proposed to strike out the word "lower."

Mr. JOHNSON. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 10, at the beginning of line 13, it is proposed to strike out the words "others similar" and to insert the words "any other."

Mr. JOHNSON. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JOHNSON. That constitutes all the amendments the Senator from Utah has to offer, does it not?

Mr. KING. I have presented one which has only been printed to-day and Senators have not had an opportunity to examine it. Then, I have suggested two other amendments which have not been printed and which are very brief.

Mr. JOHNSON. The one to which the Senator refers as having been printed to-day relates to what matter, may I inquire? I do not ask the Senator to reply in detail.

Mr. KING. I hope the Senator will permit me to read it, because I regard it as very important, and I think that is in the interest of the constructive development of the river and the bringing together in harmonious relations of all the States. If I may be permitted in my own time, I will read it. It is as follows:

That the consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

Mr. President, may I say, perhaps repeating what I said a moment ago in a little different phraseology, that it looks as though the dove of peace is going to rest upon those who have participated in this long struggle. I think that it is eminently wise for the States to enter into a compact that will draw them more closely together for the comprehensive development of the river and for the purpose of utilizing all of its potentialities. That will not, of course, interfere with this project. It may be denominated as supplemental to it; and I am sure that, upon examination of this amendment, it will commend itself to the judgment of all Senators interested as well as to the judgment of other Members of this body.

Eastern States, such as Pennsylvania, New Jersey, and New York, have recently entered into a compact for the division and utilization of the waters of the Delaware River. I am sure that that will be productive of amicable relations between the States. More and more, because of the character and importance of interstate streams, the States are going to form

compacts and enter into agreements dealing with the rights of States, respectively; and this is in harmony with the development of interstate arrangements with regard to matters connected with themselves, and for the purpose of relieving them of Federal bureaucracy and the intrusion of the Federal Government into matters that ought to be determined and handled solely by the States.

The PRESIDING OFFICER. The question is upon the adoption of the amendment offered by the Senator from Utah.

Mr. PHIPPS. The Senator from Utah did not ask for its present consideration.

Mr. KING. I should be glad to have it adopted, but Senators will want to give it more thought.

Mr. JOHNSON. I shall be very glad to study it; but I confess that personally I shrink from making another compact.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Utah will be passed over for the day.

Mr. HAYDEN. Mr. President, I should like to inquire of the Senator from California whether he prefers that I give notice of an intention to move to strike out subsection (c) of section 8 of the bill, which relates to the constitution of Arizona, and do that to-morrow, or whether we can dispose of it this evening.

Mr. JOHNSON. The constitution of Arizona is a rather bulky tome, and it is a very important matter. I shall be very glad to listen to an exposition concerning it to-night if the Senator desires. I leave it with him whether he would like to present his constitution to-day or save it for another day, for our delectation and pleasure then.

Mr. HAYDEN. The Senator is in charge of his own bill. I am willing to proceed or I am willing to wait another day, just as he pleases.

Mr. KING. Let it go until to-morrow.

Mr. CURTIS. Mr. President, it is desired to have an executive session; but we are perfectly willing to stay a half hour longer if the Senator wishes.

Mr. KING. We have made such good progress that I suggest we proceed with the executive session and take up that matter to-morrow.

Mr. JOHNSON. I shall be very glad to do that because I have the assurance of all of our brethren here that we probably may conclude the consideration of the bill to-morrow; and all of us are striving to that end.

PAYMENT OF SALARIES OF OFFICERS OF CONGRESS

Mr. WARREN. From the Committee on Appropriations I report back favorably House Joint Resolution 346, providing for payment of compensation to the employees of Congress for the current month on the 20th instant; and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 346) authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month, which was read, as follows:

Resolved etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the office of legislative counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December, 1928, on the 20th day of that month.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 14, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 13, 1928

POSTMASTERS

ALABAMA

Virgil V. Cornelson, Akron.

COLORADO

Thomas N. Wayne, Edgewater.
Nellie M. Mickey, Evergreen.
Lewis W. Kennedy, Hot Sulphur Springs.
Fannie E. Arnett, Peetz.
Ira R. Wood, Ramah.
Charles J. Funk, Sterling.

IDAHO

Robert R. Coon, Emmett.
Joseph B. Newbury, Mullan.

INDIANA

Harley Secor, Akron.
Alfred V. Reschar, Anderson.
Darold W. Grossman, Argos.
Alvy Jay, Bridgeport.
Russel W. Carey, Carmel.
George P. Crabtree, Clay City.
Lewis Debolt, Claypool.
Louis W. Otto, Crawfordville.
Sadie B. Fairchild, Demotte.
Glen P. Witherspoon, Francisco.
Charles E. Barracks, Frankton.
Ernest R. Newman, Greens Fork.
Olin J. Gibson, Hanna.
Elmer D. Finke, Holland.
William W. Lucas, Huntington.
Sidney E. Stever, Mecca.
John C. Chaille, Otwell.
Adelma R. Horn, Pennville.
Manda Neet, Rosedale.
Grace Kramer, Speed.
John M. Hill, Whiteland.
Mark Broadwater, Yorktown.

IOWA

Bernard E. Fraley, Albion.
Howard Darland, Barnes City.
Della Douthit, Braddyville.
Earl E. Silver, Center Point.
William H. Randolph, Chapin.
Charles O. Shearer, Collins.
Earl P. Patten, Danbury.
Perry E. Rose, Earlham.
Charles A. Norris, Eldora.
Harry E. Blomgren, Fort Dodge.
George T. Stauffer, Garrison.
Franklin E. Morrison, Garwin.
William C. Moon, Greene.
Gilbert Jones, Hawkeye.
Avery R. Sanderson, Lorimor.
Mollie Daley, Parnell.
Amelia Sondag, Portsmouth.
Arthur W. McIsaac, Rockwell City.
Richard L. Logan, Ruthven.
William H. Ward, Ryan.
Edward M. Bratton, Shellburg.
Harry O. Day, Shenandoah.
Frank E. Lundell, Stratford.
William Stevens, Templeton.

NEBRASKA

Maude Pontius, Harrison.
Walter I. Farnham, Merna.
Margaret Bolan, St. Columbans.

NEW JERSEY

Jennie M. Parker, Ashland.
Lawrence K. Peacock, Dahlialand.
A. Franklin Wayne, Haddonfield.
Alice L. Hassey, Iselin.
Viola L. Van Note, Oakhurst.
Robert J. Stell, Pompton Plains.
Hilding W. Hammarlund, Ridgefield.
Edward A. Steward, Robbinsville.
Edward T. Sherwood, Rosemont.
Harry Green, Singac.
Irwin D. Harris, Union.
Stanley C. Potter, Woodbridge.

NORTH CAROLINA

Alfred A. McDonald, Parkton.

OHIO

Elizabeth F. Kelley, North Olmsted.
Will B. Maynard, Olmsted Falls.

OKLAHOMA

John J. Gayman, Chandler.
Anna H. Figley, Hastings.
Katherine Anderson, Ninnekah.

OREGON

Howard C. Getz, Coquille.
Elbert Smith, Cottage Grove.
Frederick D. Gardner, Forest Grove.
J. Clyde Martin, Grants Pass.
Gaylord G. Godfrey, Independence.
Willis E. Everson, Waldport.

RHODE ISLAND

William F. Caswell, Jamestown.

WEST VIRGINIA

Mary B. Carman, Bethany.
Pearl L. Hughes, Keystone.
A. Ewell Riley, Thorpe.
Harry E. Ewing, War.

WYOMING

Frank A. Beard, Chugwater.
John H. Mantle, Kemmerer.
Louis E. Eaton, Torrington.

HOUSE OF REPRESENTATIVES

THURSDAY, December 13, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Once more, our blessed Heavenly Father, Thou hast dispelled the thickened shadows and brought us to a new day, which tells of Thy mercy that never fails. Yes, it is a glad new day, with its stretch of open sky, its golden light, and its crystal air. For every embrace of Thy love the doors of our hearts are thrown open in gratitude. Upon all peoples, from sea to sea, let Thy blessing come. Bring them closer and closer together. O gather them about one altar, that they may worship one Father and live together as brothers. Unite all lands and inspire them to make the old earth a happier dwelling place for all Thy children. With ready hearts may we do Thy will and love the greater truths of God. We pray in the name of Jesus, the world's Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. SPEARING. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an address delivered by R. P. Putnam, lieutenant colonel, United States Marine Corps, at the Broad Street Methodist Church, Richmond, Va., on Armistice Day, November 11, 1928. There are a great many historical facts stated in the address, and I think it would be of general interest.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I think it is due my colleagues to know why I have offered some objections to encumbering the Record with matters which are not of particular concern, or which do not have their origin in or any connection with the Congress. When the late Hon. James B. Mann was a Member of the House, and up to the time of his death, he had the task, self-imposed, I suppose, of protecting the Record. After his death we began the practice of inserting in the Record so many editorials, speeches, magazine articles, and even advertisements, that those of you who are Members of long standing will remember that it soon reached such proportions as to become a scandal. As the practice of ignoring the rules, which are very clear on the subject of extraneous matter in the Record, I felt that somebody might take a position which would not be unwelcome or embarrassing to those who were burdened with the responsibility of conducting the affairs of the House, so I have objected from time to time to my colleagues' requests for unanimous consent for leave to print in the Record. I recognize that this is a very disagreeable task, that it brings me no friendships or credit, but I feel that somebody ought to do it even at a sacrifice. If I am going to be consistent, I have got to be fair; I shall have to object to those on my own side of the House as well as to those on the other side of the House placing in the Record matters which have no connection whatever with the Congress, although they may sometimes be very interesting,

sometimes informative, sometimes entertaining. I do not know otherwise just where the line can be drawn.

In justification of my position, I feel that this explanation is due to the Members of the House, and also the notice that I shall, whenever I am on the floor, object to such matters as have really no business in the CONGRESSIONAL RECORD. [Applause.]

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE INTERNATIONAL CIVIL AERONAUTICS CONFERENCE

Mr. WARREN. Mr. Speaker, I ask unanimous consent to insert in the Record as a part of my remarks the very excellent speech delivered by the President of the United States yesterday before the International Civil Aeronautics Conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. WARREN. Mr. Speaker, under the leave to extend my remarks in the Record, I include the very excellent speech delivered by the President of the United States yesterday before the International Civil Aeronautics Conference, which is as follows:

Members of the conference: This year will mark the first quarter century of the history of human flight. It has been a period of such great importance in scientific development that it seems fitting to celebrate it with appropriate form and ceremony. For that purpose this conference has been called, and to the consideration of the past record and future progress of the science of aeronautics, in behalf of the Government and people of the United States, I bid you welcome.

Twenty-five years ago, at Kitty Hawk, N. C., occurred an event of tremendous significance. It was the first extended flight ever made by man in a power-driven heavier-than-air machine. How more appropriately could we celebrate this important anniversary than by gathering together to consider the strides made throughout the world in the science and practice of civil aeronautics since that day, and to discuss ways and means of further developing it for the benefit of mankind.

Others, whose names will long be remembered, had done much to solve the problem, but it remained for the able, persistent, and modest brothers from Dayton to demonstrate completely the possibility of a machine raising itself by its own power and carrying a man in sustained flight.

Human flight with wings, which had intrigued the imagination since the beginning of time, became a practical reality on the day that the airplane of Wilbur and Orville Wright rose from the wind-swept dunes of the Atlantic coast. The elder brother lives with us only in memory, but Orville Wright, who piloted that first plane, is still actively interested in that science. We are glad to have him as one of our delegates to this conference.

CITES RAPID EXPANSION

No achievement of man in the progress of civilization has had a more rapid expansion. In the early days the ability to fly was ascribed to gods and demigods, to spirits and supernatural and mythical beings, both of the human and animal family.

Pegasus, the winged horse, and Daedalus and Icarus are two of the innumerable examples which come readily to mind. The yearning to fly probably always has been in the human breast. But for centuries its fulfillment was considered as visionary, unattainable. Even within our memory utter impossibility was expressed by saying "Might as well try to fly."

There is a wide difference between the romance of flying and aeronautics as a science. Archytas, Greek mathematician and mechanic of the first half of the fourth century B. C., made a flying pigeon. This seems to be the earliest authentic record of mechanical flying.

Leonardo da Vinci, artist and scientist extraordinary, who lived in Italy over 400 years ago, left some interesting treatises and drawings on the principles of human flying. It was not until 1783, however, that a man was actually lifted from the ground and carried along in the air for a considerable distance. The vehicle was a hot-air balloon, devised by the Montgolfier brothers, paper makers of Auvergne, France.

One of them was invited to address the Royal Academy of Science, and ascents were made for the King and Queen. In 1852 a Frenchman built a dirigible balloon propelled by steam, but further progress was delayed until the development of the internal-combustion engine. Alberto Santos Dumont, brilliant young Brazilian, began in Paris in 1898 to construct a navigable balloon. About the same time, in Germany, Count von Zeppelin started to work out his rigid airship. Only recently have we welcomed here the latest example of his skill.

In the meantime—beginning with Cayley, Englishman and "father of aerodynamics," who died in 1857, and continuing down through Henson and Stringfellow, Maxim, Ader, Lillenthal, and Langley (of Washington)—scientists were gradually, with gliders and other devices, working out the problem of a heavier-than-air machine.

LAUDATION FOR WRIGHTS

With genius, indomitable perseverance, and a will to overcome obstacles, the Wrights, mindful of what had gone before, applied themselves to the solution of the problem. They experimented at Kitty Hawk for three seasons, and in the fourth, on December 17, 1903, success crowned their efforts. I understand the delegates to this conference will visit this historic spot on Monday, the exact day of the anniversary, to pay tribute to their achievement. The first flight lasted only 12 seconds.

Three more were made the same day. One of 59 seconds carried the plane a distance of 852 feet. It was wrecked by the wind and tests ended for the time. Further experiments were made in Dayton in 1904 and 1905.

In the latter year a Wright plane traveled for 24 miles at the rate of 38 miles an hour. Three years later one was bought by the War Department, our Government being the first to utilize this new device.

Other countries took up the idea and for a period rather outstripped us in flying. The crossing of the English Channel by the Frenchman Bleriot, considered an astounding feat, was made in 1909. Demands of the World War brought about the rapid advance in both the science and the practice, and in the production of equipment. After the armistice one after the other came the daring flights to annihilate space and time, including the thrilling and solitary journey from New York to Paris by our own Lindbergh in 1927.

It is to the development of aeronautics as an aid to the peaceful pursuits of transportation, of commerce, and of trade that this conference is to direct its attention. We are making a reality of the wonderful vision of Tennyson, who, in his Locksley Hall, wrote in 1842:

"For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be;
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales."

After the war European nations began to develop aeronautics as a part of their transportation systems. Passenger lines with heavy government subsidies were established between principal cities.

In America, during the war, 10,000 pilots were taught to fly; hundreds of aeronautic engineers and designers were trained; nearly 17,000 planes were manufactured by thousands of artisans who became skilled in aircraft production in many new factories.

All of this was an important foundation for building up of civil aeronautics. Prior to this period our attention had been directed to the use of the airplane as a carrier of mail. From 1912 the Postoffice Department sought money to establish air-mail lines, but not until 1918 was a special appropriation secured.

GROWTH OF MAIL ROUTES

In May of that year, between Washington and New York, the first regular route was established. This service has been rapidly expanded, until now we have more than 22 mail routes with a daily mileage of nearly 31,000 miles. The air-mail poundage for January, 1926, was 23,000 pounds. In October, this year, 467,422 pounds were carried, as compared with 423,838 in the previous month. Reduction in the postal rates last July doubled the amount carried inside of 30 days.

In 1926 this Government officially recognized the importance of flying by establishing the post of Assistant Secretary for Aeronautics in each of the War, the Navy, and the Commerce Departments. Since then we have made remarkable progress. Then the value of the aeronautic industry in the United States was placed at less than \$5,000,000.

To-day it is said to be in excess of \$150,000,000. In 1925 the production of aircraft was valued at about \$13,000,000; for 1928 the estimate is over \$50,000,000.

For the air activities of the Department of Commerce, we spent in 1927 more than \$800,000; this year over \$3,500,000; and the estimate for 1929 is just under \$5,500,000.

Aeronautics have been rapidly advanced in other parts of the world as well. Nearly half of the 70,000 miles of air routes regularly operated in the world are in international air services connecting important cities. Approximately 10,500 are in Latin America, and about 5,000 in Australia. Some have been in operation for several years.

Among the new services opened in 1928 are the Peruvian Navy line over the 6,000 miles between Lima and Iquitos, between Lima and Talara, and the Barranquilla-Guayaquil, Nueve-Laredo, Dakar-Buenos Aires, and Montreal to New York lines. Additional routes are being planned between the United States and the West Indies, South America and Mexico, and Australia and Canada. Important routes being considered are between the Netherlands and the Netherland East Indies and between Great Britain and Australia.

From incomplete reports, it is indicated that about 15,000,000 miles were flown on European air services alone in 1927, more than 200,000 passengers carried, and 10,000,000 pounds of luggage and goods and 3,000,000 pounds of mail. An average of nearly 75,000 miles daily were flown.

It is estimated that these figures will be increased from 25 to 33 per cent for 1928. Most of the European lines have government subsidies. The efficient way in which they are operated has resulted in increasingly better financial reports.

Regular flying in the United States, beginning with a short mail line, has increased, until this year there are approximately 15,500 miles of airways, on which during the first six months of the year nearly 3,250,000 miles were flown on regular schedule.

The daily mileage is estimated at 52,000 miles. We have three important international lines—New York to Montreal, Seattle to Vancouver, and Miami to Habana. Plans to extend the latter to the Isthmus and South America are under way. The transportation companies have been taxed far beyond their equipment. A recent and important development has been the linking of the airplane and the transcontinental railways, providing a rapid journey between distant points. The airplane is used for fast day travel, with a transfer to a railroad for the night journey.

AGE OF AIR TRANSPORT

The nineteenth century was the railroad and steamboat age. The twentieth century will be known for the development of aeronautics and air transport. The airways of the world now have a greater mileage than the railways did in 1850, the twenty-fifth anniversary of the opening of the first railroad built by Stephenson.

Attention has recently been called to the safety of air passenger service, compared with that of railroads in the early days. In 1927 the Imperial Airways (Ltd.) carried 52,000 passengers over 2,500,000 miles without injury to a single passenger. In 1842, 8 English railways, carrying 10,503 passengers over 3,562,338 miles, killed 22 and injured 34 others.

The country-wide tour of Lindbergh in the United States, following his wonderful and spectacular flight to Paris, did much to make America air-minded. A large amount of civil flying is now being done here, and the civilian-owned aircraft number over 6,000.

The aeronautic branch of our Department of Commerce is vigilant, resourceful, and progressive. It has inaugurated a comprehensive system of regulation and control of aircraft manufacture as well as operation. Airways are laid out over the best flying country, and aids to flying, such as beacons and weather reports, are furnished.

Our transcontinental airway from New York to San Francisco is over 2,600 miles long. More than 5,000 additional miles of airways are under the jurisdiction of the Department of Commerce.

An air-information service is maintained and aeronautic research carried on through the Bureau of Standards.

COOPERATION ON AIRPORTS

Valuable cooperation is rendered in the establishment and equipment of airports. On October 1, 1,387 ports were available for the use of the Army, Navy, and commercial flyers. Municipalities and communities in all parts of the country, realizing that air contacts mean more and better business, are planning airports. Nearly 900 more are now in prospect.

Air transport means much to the United States, divided as it is in the west by lofty mountain ranges and deserts. In the early days it took six months to go from Missouri to the Pacific coast. An airplane has traveled across the continent in less than 24 hours.

We are stretching out our arms through the air to Canada and to our other friends and neighbors in the South.

All nations are looking forward to the day of extensive, regular, and reasonably safe intercontinental and interoceanic transportation by airplane and airship. What the future holds out even the imagination may be inadequate to grasp. We may be sure, however, that the perfection and extension of air transport throughout the world will be of the utmost significance to civilization. While the primary aim of this industry is and will be commercial and economic, and the prosperity of the world will be immeasurably advanced by it, indirectly, but no less surely, will the nations be drawn more closely together in bonds of amity and understanding.

This conference, I know, will have far-reaching results in the advancement of a science and industry which appeals both to the spirit and the reason of man and which as the years go by will cement more and more firmly the bonds of international brotherhood.

PRESENTATION OF DISTINGUISHED FLYING CROSS TO ORVILLE WRIGHT

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13990, to authorize the President to present the distinguished flying cross to Orville Wright, which I send to the desk and ask to have read.

Mr. GARNER of Texas. Mr. Speaker, before the Clerk begins the reading of the bill, reserving the right to object, does this come with a unanimous report from the gentleman's committee?

Mr. JAMES. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, who met and overcame the earliest dangers in aviation and as its pioneer made possible the achievements which are now stirring the emotions and pride of our people.

With the following committee amendments:

Page 1, line 4, after the word "Wright," insert "and to Wilbur Wright, deceased," and in line 6, strike out the words "its pioneer" and insert "pioneers."

Line 8, after the word "people," insert: "The posthumous presentation to Wilbur Wright, deceased, shall be made to such representative of the said Wilbur Wright, deceased, as the President may designate."

Amend the title.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TILSON. Mr. Speaker, reserving the right to object, I wish to say that usually the Speaker has refused to recognize for bills to be called up under unanimous consent except on those days when such requests are in order and has adhered to that policy except where there is an emergency. I think the nature of this bill—that is, its application to the subject matter of the aviation conference being held here this week, and the important anniversary that is coming next Monday—puts it in the class of an emergency and makes it very appropriate that it should be considered and passed at this time.

Mr. JOHNSON of Washington. Mr. Speaker, further reserving the right to object, I suggest to the chairman that he further amend the bill by striking out the word "pioneers" in the proposed amendment. As it would read now if amended it would be:

That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, who met and overcame the earliest dangers in aviation and as pioneers—

And so forth.

I would like to suggest the advisability of striking out after the word "aviation," in line 18 down to the period in line 8, and I so move.

The SPEAKER. Consent has not been given yet for the consideration of the bill. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I could not hear the amendment offered by the gentleman.

Mr. JOHNSON of Washington. I am only proposing an amendment; consent has not yet been given. The bill as amended reads:

Authorized to present the distinguished flying cross to Orville Wright, and Wilbur Wright, deceased, who met and overcame the earliest dangers in aviation and as pioneers made possible the achievements which are now stirring the emotions and pride of our people.

I think this bill should read, "Who met and overcame the earliest dangers in aviation."

Mr. COOPER of Wisconsin. And leave out the word "pioneers"?

Mr. JOHNSON of Washington. Yes.

Mr. COOPER of Wisconsin. Why?

Mr. JOHNSON of Washington. Well, it calls upon Congress absolutely to recognize the Wrights as the pioneers.

Mr. BLANTON. Were not they?

Mr. JOHNSON of Washington. Overlooking the efforts of the then distinguished Secretary of the Smithsonian Institution, who was himself a pioneer.

Mr. COOPER of Wisconsin. I object to that amendment if there is a request for unanimous consent. The Wright brothers were the inventors and pioneers.

Mr. JOHNSON of Washington. I shall not object to the consideration of the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to present the distinguished flying cross to Orville Wright, who met and overcame the earliest dangers in aviation and as its pioneer made possible the achievements which are now stirring the emotions and pride of our people.

The committee amendments were read as follows:

Page 1, line 5, at the beginning of the line insert the words "and to Wilbur Wright, deceased."

Page 1, line 6, strike out the words "its pioneer" and insert in lieu thereof the word "pioneers."

Page 1, line 8, after the word "people," insert the words "the posthumous presentation to Wilbur Wright, deceased, shall be made to such representative of the said Wilbur Wright, deceased, as the President may designate."

The committee amendments were agreed to.

Mr. JOHNSON of Washington. Now, I move an amendment to the bill as amended on line 6, after the word "aviation," strike out the words down to the period in line 8 and put a period after "aviation."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, after the word "aviation," insert a period and strike out the remainder of the sentence.

Mr. JAMES. Mr. Speaker, I would like to talk on this.

Mr. MAPES. May we have the language read as stricken out?

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

and as pioneers made possible the achievements which are now stirring the emotions and pride of our people.

Mr. JOHNSON of Washington. As read by the Clerk, the word "its" was dropped.

The SPEAKER. And as amended by the committee amendment it reads "and as pioneers."

Mr. JOHNSON of Washington. In that case I withdraw the amendment offered by me.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague Mr. ROMJUE, who has been called to his home on account of the serious illness of his son.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry, if it is in order. In this vicinity we did not understand what was done with the amendment offered by the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, I withdraw that, finding that the word "its" was stricken out by the committee amendment.

LEAVE TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to address the House next Thursday for one hour, immediately after the reading of the Journal and the disposition of business on the Speaker's desk.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have the privilege of addressing the House next Thursday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, for one hour. Is there objection?

Mr. CLARKE. Reserving the right to object, Mr. Speaker, on what subject?

Mr. SIROVICH. On the subject of old-age pensions.

Mr. TILSON. Mr. Speaker, reserving the right to object, it is quite possible that on next Thursday an appropriation bill will be taken up, on which there will be general debate. Thus far, I believe, that every request that has been made for time under general debate has been granted. General debate is the vehicle which the House furnishes for such discussion of public questions as my friend from New York wishes to make, and it is much to be preferred to the practice of getting unanimous consent to address the House.

Mr. O'CONNELL. Does the gentleman say that all the time has been allotted?

Mr. TILSON. No; on the contrary, such time as has been asked for on general debate has been granted, so far as I know, in full measure. I believe that all the time asked for thus far on general debate has been granted. I think there will be no difficulty whatever in the gentleman from New York getting time, but it is much preferable to have it granted under general debate than under leave to address the House. The latter practice is rather dangerous at the short session when a number of special orders of this kind are made for time that may be sorely needed for something else. I shall be glad to see the gentleman from New York get such time as he may wish, but I wish he would take it under general debate.

Mr. O'CONNELL. The gentleman from New York says that will be satisfactory to him.

Mr. TILSON. Very well.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1930

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, the Interior Department appropriation bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois, Mr. CHINDBLOM, will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, the Interior Department appropriation bill for 1930, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15089) making appropriations for the Interior Department for the fiscal year 1930, and for other purposes.

The CHAIRMAN. When the House rose on Tuesday the first paragraph on page 12 had been read.

Mr. BLANTON. Mr. Chairman, with the assurance of the chairman in charge of the bill that it will not be objectionable to him, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 12, line 5, after the sum "\$600,000," strike out the balance of the line and lines 6, 7, and 8 and insert in lieu thereof the following: "Provided, That hereafter no appropriation for this purpose shall be used in payment for any service except bill therefor is rendered within one year from the time the service is performed."

Mr. BLANTON. Mr. Chairman, I ask for recognition.

Mr. STEVENSON. Mr. Chairman, I want to reserve a point of order on it.

Mr. BLANTON. The committee thought it was a salutary provision.

Mr. STEVENSON. That may be; but we have no right to enact legislation on an appropriation bill. I make the point of order on the amendment.

Mr. BLANTON. I want to be heard on the point of order.

Mr. STEVENSON. I also wish to be heard on the point of order. I reserve it.

Mr. BLANTON. I would like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will first hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, the point of order, except for one reason, would be good, because it is legislation. But the point of order is not good in this particular instance for the reason that the proviso already in the bill is legislation itself, and it was passed for amendment without any point of order having been made against that proviso. The proviso being itself legislation without a point of order being made against it, it is subject to amendment. That has been held time and time again in this House. It has been held by such parliamentarians as our distinguished floor leader, the gentleman from Connecticut [Mr. TILSON], and numerous by our distinguished Speaker, and by other distinguished parliamentarians.

Mr. CRAMTON. Mr. Chairman, if I may be recognized on the point of order, although I may get a little outside the scope of it, I would not want to admit that the language in the bill is subject to a point of order. In my judgment it is a limitation. The language proposed by the gentleman from Texas, I would feel sure, is clearly subject to a point of order because it relates to all the future, while the language of the bill, even if subject to a point of order, is confined to one year. I wish particularly to have the position of the committee understood.

The language in the bill has been carried for several years and, in my judgment, is a proper limitation and in order. The committee has no objection to the suggestion of the gentleman from Texas, that instead of carrying it in the bill each year it be disposed of as he suggests, so that it will not have to be repeated hereafter. The committee is satisfied whichever way the matter goes.

Mr. STEVENSON. Mr. Chairman, the proviso in the bill is a limitation and, as I understand, is not subject to a point of order—that is, the proviso that is in the bill itself—but this is

general legislation attempted to be engrafted upon the proviso, which proviso is at least questionable, but I think is defensible. I object to that kind of legislation. The proposition that we sit here and allow them to legislate for all time on these appropriation bills is one that is attempted to be guarded against by every rule of this House, and especially since the adoption of the Budget system. Therefore I insist upon my point of order.

The CHAIRMAN. The Chair is of the opinion that no matter whether the proviso in the bill originally was subject to a point of order or not, the amendment offered by the gentleman from Texas [Mr. BLANTON] goes beyond the scope and purpose of the proviso in the bill itself. The proviso in the bill itself refers only to the appropriation contained in the bill, while the amendment offered by the gentleman from Texas will operate as a permanent limitation upon all appropriations of this character. It therefore goes beyond the purport of the bill. The Chair will merely refer to a well-known decision by Chairman Frederick C. Hicks, of New York, on January 8, 1923. The Chair believes that decision is ample authority in the present situation, and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to return to the bottom of page 6 of the bill, a paragraph having to do with the making available of other appropriations in the bill for the purchase of books for the various services in order that I may offer an amendment to increase the allowance for that purpose for the Reclamation Service. In explanation of this request to return I would say that Tuesday, while I was engaged on the floor in the discussion of the bill, a letter from the Assistant Secretary of the Interior was handed to me, and glancing at it hurriedly I thought it had to do with the reclamation appropriation much later in the bill. Then when I had more leisure I examined it and found the item in question had really been passed.

Mr. WINGO. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WINGO. The gentleman suggests that we return to the bottom of page 6. I can not understand the gentleman's discussion with reference to the bottom of page 6.

Mr. CRAMTON. It is the top of page 6. It begins at the bottom of page 5 and the amendment will be offered to the top of page 6.

Mr. WINGO. I suggest that the amendment be reported.

Mr. CRAMTON. It is to increase the allowance for the Bureau of Reclamation from \$1,500 to \$2,000.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to the paragraph in the bill beginning on page 5, line 19. Is there objection? [After a pause.] The Chair hears none. The gentleman from Michigan offers an amendment to that paragraph which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 6, line 3, after the word "Reclamation," strike out "\$1,500" and insert in lieu thereof "\$2,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

For pay of Indian police, including chiefs of police at not to exceed \$70 per month each and privates at not to exceed \$50 per month each, to be employed in maintaining order, and for purchase of equipments and supplies, \$163,000.

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order against that paragraph for the purpose of making an inquiry of the chairman of the committee. I would like to ask the chairman if there is any law authorizing this appropriation. I note in Cannon's Procedure there is a precedent cited where a point of order made against this item was held to be good because there is no legislation authorizing such an appropriation.

Mr. CRAMTON. I will say to the gentleman from Alabama that that was probably several years ago and before the Snyder Act was passed. Congress in 1921 passed the Snyder Act which included this provision in its terms for the appointment of inspectors, supervisors, and so forth, Indian police, Indian judges, and so forth. So there is specific authority.

Mr. BANKHEAD. But the employment of inspectors and supervisors does not necessarily mean that there is provision for the employment of police.

Mr. CRAMTON. I will read the entire subsection.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

Mr. BANKHEAD. Well, if the chairman is satisfied that it is covered by legislation I will withdraw the reservation.

Mr. CRAMTON. It is clear that it is specifically covered.

Mr. BANKHEAD. Then I will withdraw the reservation.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

I would like to ask the gentleman from Michigan [Mr. CRAMTON] a question. Going back to the preceding paragraph with respect to the pay of judges of Indian courts where tribal relations now exist and the rates to be fixed by the Commissioner of Indian Affairs, \$18,000, how many judges are there?

Mr. CRAMTON. There are quite a number. The salaries are quite low.

Mr. COOPER of Wisconsin. But these are left entirely to the discretion of the Commissioner of Indian Affairs, who may discriminate very greatly. He can, in his discretion, give one judge two or three times as much as another.

Mr. CRAMTON. I may say to the gentleman from Wisconsin that until two or three years ago these Indian judges were all paid the same, and while I may be a little inaccurate, it seems to me it was only something like \$15 or \$20 a month. At the suggestion of this committee, this was changed and I think the language of the item was changed so as to make it possible to do just exactly what the gentleman from Wisconsin says is possible, and that is to vary the pay, for this reason. As the gentleman from Wisconsin knows, the conditions surrounding these Indians vary greatly. One Indian judge, we will say, is in a Hopi village in Arizona, where all of his people are gathered within a little space and where his work is limited and is performed on his own doorstep without inconvenience or any great amount of time. On the other hand, up in South Dakota on a Sioux Reservation that is many miles in extent, where the Indians are large in number and greatly scattered, where the State laws do not reach many crimes, and where there is no other provision for maintaining order, those judges have to travel maybe 50 miles or 75 miles to get to the place where they hold court and have to spend a considerable amount of time and clearly they are entitled to more pay than a judge giving a limited amount of his time. Still, none of them gets what seems to be a high salary.

The gentleman will be interested in the detailed information which has just been handed me. There are at present, it is stated by Mr. Meritt in the hearings, 32 Indian judges employed at a compensation of \$30 per month and 36 at \$15 per month. It is not a large amount in any event.

Mr. COOPER of Wisconsin. No; but on general principles it seems to me wrong to give to an executive officer like the Commissioner of Indian Affairs a lump sum of \$18,000 to expend absolutely in his discretion in the appointment and compensation of judges for Indians. We would not do that for judges for white people.

All of the conditions spoken of by the gentleman from Michigan, which in some localities differ very materially from those in others, were known to the committee reporting this bill; and the Congress could by law provide that the judges shall receive so much as salary and so much as allowance for transportation, depending upon the locality. We should not give to an executive officer thousands of dollars to spend in his discretion absolutely as to the number of persons he may employ and the compensation each is to receive, and thus afford an opportunity for the greatest sort of discrimination.

Mr. CRAMTON. Mr. Chairman, there are many items in various bills where even greater discretion is given to executive officers. I think it is very possible that there is no other place where the pay of a judge is left in the discretion of a bureau. If Congress were to act and fix their pay formally, it would probably be a good deal larger than it is. It would certainly be larger if we are to judge by the pay of the judges of the whites.

But so far as any danger of abuse of discretion is concerned, the gentleman should understand that the Indian Bureau comes before our committee, which is an appearance before Congress, and states exactly what it is going to do with the money; and there is a moral understanding that the bureau has made with Congress because when we hold these hearings, it is not as much, perhaps, for the committee's benefit as it is for the benefit of the House, and a statement is made in that hearing that the money will be spent in a certain way and that certain salaries will be paid, and then a report comes to us a year later as to what has been done, and if there is a difference then the committee takes action.

It does not seem feasible to itemize all of these details. We accomplish the same results by trusting the officials to carry out their statements.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask for three minutes to reply to that statement.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to address the committee for three minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. It does not seem to me that the taking of money out of the Public Treasury to be paid to Government employees should be left to the discretion of an executive officer except in most extraordinary circumstances. These are not extraordinary circumstances. The committee knows what each of these employees ought to receive, because the witnesses come before the committee and say so. This could be put into the law, and, in my judgment, it ought to be done.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors and deleterious drugs, including peyote, among Indians, \$22,000.

Mr. LaGUARDIA. Mr. Chairman, I offer an amendment to strike out "\$22,000" and insert in lieu thereof "\$100,000."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LaGUARDIA: Page 12, line 22, strike out "\$22,000" and insert in lieu thereof "\$100,000."

Mr. LaGUARDIA. Mr. Chairman, I would like to refer to page 716 of the hearings, in which Mr. Meritt appeared before the committee and stated definitely that he needed at least \$100,000 to partially control the traffic in liquor among the Indians. He received a very attentive hearing from the distinguished chairman of the subcommittee, the gentleman from Michigan [Mr. CRAMTON], more than whom no one is drier.

Formerly \$150,000 was allotted for this service, and Mr. Meritt made a plea, stating that \$22,000 was insufficient.

Now, this is typical of the feeble efforts for the control of the traffic in alcohol.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. O'CONNELL. Why was not this item put in the Treasury Department bill that we passed several days ago, which provided several million dollars for the enforcement of prohibition?

Mr. LaGUARDIA. The control of alcoholic traffic among the Indians dates way back, previous to the eighteenth amendment being adopted.

Mr. O'CONNELL. Fire water?

Mr. LaGUARDIA. Yes; and it was easier to control in pre-prohibition days than it is to-day.

Mr. O'CONNELL. Much easier, I would say to my colleague.

Mr. LaGUARDIA. I would like to know why there has been this letting down. Mr. Meritt made a complete case. The evidence stands uncontradicted. In the hearing the distinguished gentleman from Michigan did not see the necessity of appropriating the sum of \$100,000, and I submit they ought to have the amount asked for by Mr. Meritt, and there is no reason why the amount should be reduced.

Mr. SCHAFER. Perhaps the gentleman from Michigan is not so strongly in favor of the enforcement of the law now as in the past. Otherwise he would be in favor of the amendment.

Mr. LaGUARDIA. The gentleman from Michigan did not vote with us the other day.

Mr. CRAMTON. Mr. Chairman, I was about to say—and I did not say it sooner because the gentleman from Wisconsin would have been deprived from displaying his wit—but I have no objection to the amendment.

Mr. LaGUARDIA. Fine! Let it go. [Laughter.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes, and I would like to use some of that time.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for two minutes out of order. Is there objection?

There was no objection.

RECEPTION TO LADY HEATH

Mr. TILSON. Mr. Chairman, in response to a request from representatives of the National Woman's Party, I have the honor to present to the House to-day a distinguished representative of a foreign nation. We are honored to-day by having in the Speaker's row in the gallery Lady Heath, one of the world's famous flyers. [Applause.] My information is that Lady Heath holds the altitude record for light planes of all flyers, men and women, although she has been a licensed flyer only since 1925. Last year she flew alone without mechanic or passenger over 11,000 miles from Cape Town, South Africa, to London.

She has made two parachute jumps in England, and was the first person to visit all four countries of the British Isles by air in one day and return to London. She holds the Olympic high-jump record of all women of all nations and the altitude record for light seaplanes in all-metal boat for all persons. Lady Heath is regarded as the leading exponent of the usage of light planes. Finally, she is the only woman delegate to the International Aeronautical Conference. [Applause.]

I ask unanimous consent to extend my remarks regarding Lady Heath in the RECORD by inserting therein a brief statement prepared by her manager setting forth more in detail the achievements of this distinguished aviatrix and some of her impressions of this country.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks by the insertion of the matter referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

Lady James Heath comes to America as delegate from the Air League of the British Empire (she is chairwoman of the woman's section) to attend the International Aviation Conference at Washington, D. C., on December 12.

Although only learning to fly in 1925 Lady Heath has one or two interesting flights to her credit. She has put in about 1,200 flying hours since that date. On May 19, 1927, she put up the first world's record in the light airplane class on an Avro Avion with her pupil the Hon. Lady Bailey as passenger. On July 19 of that year she flew in the same machine solo 1,300 miles in one day between dawn and dusk, making a landing on every airdrome in England, to draw public attention to the need for more municipal airdromes. Two days later she made a landing in one day in England, Ireland, Scotland, and Wales. In May this year she completed an 11,000-mile flight from Cape Town to London, this being the first solo flight organized in any overseas colony or dominion to any mother country, and it is the longest solo flight ever done by any woman with one machine. She proposes to lecture in America on this flight and also to technical bodies on the light aircraft of Great Britain and the light airplane club movement, which is so well developed in that country.

Lady Heath holds the British seaplane altitude record and also the British altitude record open to any land planes. She was the first woman in the world to hold a commercial license for seaplanes and land planes, it being owing to her efforts that the international law on this subject was changed.

Lady Heath hopes to learn a great deal from America in aviation during her stay in which she will demonstrate and use for her transport between towns a British light airplane, the Moth which is being constructed under license by the Moth Aircraft Corporation of New York. This machine is awaiting her. Her personal maid, who comes from her own home county, Limerick, will accompany her, and she will act as her own mechanic.

She also hopes to connect up with the woman's branch of the National Amateur Athletic Federation, as she is vice president of the international body controlling woman's athletics, and looks forward to renewing the pleasant friendships she made with the officials and members of the American Olympic team at Amsterdam this year, where she acted as referee.

These games were the first international meeting since the inception of women's athletics in Europe in 1922 in which she has not taken part as an active athlete having represented Great Britain each year in track and field events. Until 1926 she held the world's record for the high jump, together with Miss Voorhees, an American athlete.

Lady Heath proposes to make a prolonged stay in the States, as her visit fulfills a long-felt ambition.

Lady Heath, who is 31, is southern Irish, and after a number of years of war work in Great Britain and France she took a degree in agriculture in Dublin in 1921. Thereafter she lectured on that subject, leaving this to undertake voluntary organization of women in athletics and other sporting movements of national importance. Her knowledge of agriculture was put to practical use from 1922 onwards on her coffee farm in Kenya Colony, East Africa, in which country she has done considerable big-game shooting.

She is strongly opposed to any stunt flying (except the ordinary acrobatics and parachute descents, which she considers should be a

part of every pilot's training), especially long-distance flights over water in anything except a multiengine flying boat or seaplane.

In Europe her work has been in every country to bring flying to an every-day level and within the reach of all classes. With this end in view she has devoted, in the past two years, her commercial earning to founding 10 scholarships for women with the light airplane clubs of Great Britain and South Africa. Much of these earnings have been obtained in air racing, which Lady Heath is very fond of, and in the light airplane competitions, in which she has been very lucky. In August, this year, she took first place in the international light airplane competitions in Holland with a Moth airplane and fourth place out of 26 competitors in French international competitions with an Avro Avion.

Lady Heath is the author of the first textbook on women's athletics, *How to be an Athlete and Why*, which has been translated into many languages, and also of a small volume of poems, *East African Nights*, which has had a large sale in Europe and Africa. The proceeds of the sales of these books have been given to aviation and to charities.

During her many visits to Africa Lady Heath has covered well over 50,000 miles of sea transport in every type of vessel from the small native thow upwards, and she feels that she can honestly say she has never had such a pleasant voyage or such a comfortable one as this trip to America. If America is going to be half as good as the United States Lines seem to promise, she does not see how she can get away.

Lady Heath believes very forcibly in the future of women in aviation, not alone for their own sakes but also for the good of the industry. Any woman can look after, manage altogether, a light airplane of the moth type, which in England costs about \$3,250 and about \$100 a month for all upkeep, garage, and insurance charges.

Women make excellent teachers and good demonstrators of aircraft; they learn to fly a little more slowly than men, as they have less confidence in themselves, due, probably, to their heritage of house and home work rather than business and active sport.

Lady Heath is strongly against trans-Atlantic flying in the present stage of airmail, although she gives a great deal of her worship to those who have made this gallant effort. She believes that our job now is to "make airmail safe for democracy."

She landed on November 9 and is already in love with this country. She hopes to extend her prearranged 6 months' visit into 12 months. Everyone is so amazingly kind and there is so much to be learned about American aviation.

She is specially interested to find that, although fewer individuals fly habitually in this country, there is much more general knowledge among the public about aviation than in Europe, so that she predicts a huge future for the industry in this country, where modern aviation had its birth (once it has been consolidated and made a necessity instead of the luxury it is to-day).

Women's entry into any sport or business is the hall mark on it and shows that not alone has it come to stay but it is safe, easy, and reliable.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1930

The House in Committee of the Whole House on the state of the Union resumed consideration of the Interior Department appropriation bill.

Mr. CRAMTON. Mr. Chairman, the gentleman from Arkansas [Mr. Wingo] himself has set up quite a bit of discussion. I agree with nearly everything that he said except when he put in my mouth theories that I have not expounded myself and do not believe in. We have not time in the consideration of these appropriation bills to go over the recent campaign or even to solve the question of national prohibition. Suffice to say that I have never said that the Federal Government should confine itself to those limited activities that have been mentioned. I did try to emphasize the fact that the States and the cities can not put the whole responsibility upon the Government. There must be cooperation.

As to the particular item before us, there is this to say: In handling these appropriation bills we are not influenced by partisan consideration. Republicans and Democrats work together. I am not going to indulge in any partisanship. The item before us had particularly careful consideration by our committee.

We were interested; otherwise the statement would not have been in the hearings that has been read as to the need for more money. That statement came on the invitation of the committee because of our interest and we discussed the item, but did not see our way clear to including the increase. We have been glad to yield to the manifest sentiment of the Committee of the Whole and accept the amendment.

Just one more observation that applies to this bill and to every appropriation bill. The responsibility is on every Member of the House alike. Our committee are but the servants of the House. We are working under a rule of the Committee on Appropriations that every appropriation bill shall be kept within the total submitted by the Budget. Working within that rule on this bill it has not been possible for the committee to recommend all of the increases in various items that we think ought

to be provided. We have done the best we know how and keep within the Budget total.

And so as the bill goes along we can not always raise the items as we would like, and the House can not always raise the items as the House may want to do unless you are prepared to overrule that policy of keeping within the Budget estimates. Under the present pronouncement of the President as to the relationship between probable revenues and expenditures it is not going to be safe to overthrow that policy and make these bills greater than the Budget estimates—I mean the totals of the bills. I now yield to the gentleman from Massachusetts.

Mr. LUCE. Does the gentleman desire to have the committee understand that when in the judgment of the Committee on Appropriations, who represent the law-making body of this country, a larger appropriation should be made he believes it is consistent with the Constitution that the committee subordinate its judgment to that of an official of an executive department?

Mr. CRAMTON. Not at all. The law-making body itself has the right under the Constitution to go above the Budget or below the Budget, and it has therefore the right to say as a matter of policy "We will change the estimates within the bill as we like, reduce some, increase others, but we will not increase the total above the Budget." There is in that no abdication of authority, but simply the exercise of the authority in the manner desired so as not to overrun or embarrass the Executive.

Mr. LUCE. Has not the House the right to an honest judgment of every committee that it creates?

Mr. CRAMTON. And it will always get ours to the best of our ability. But a man who has a salary of \$40 a week can not spend \$50 or \$60 a week without coming to grief, and while there may be many an expenditure that he and his family would like and which could be used to good advantage, if they are not going to run him into bankruptcy he will not make the expenditure. So when the President, from the gentleman's own State, says we are facing a deficiency for the current year, then it is time for us to heed that warning.

Mr. LAGUARDIA. But the committee has accepted the amendment, I understand.

The CHAIRMAN. All debate upon this paragraph and amendment has expired under the consent agreement. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For lease, purchase, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$175,000; for construction of physical improvements, exclusive of hospitals, \$75,000; in all, \$250,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of roads and bridges on Indian reservations and other lands devoted to the Indian Service: *Provided further*, That no money shall be expended for new construction at any one agency except as follows: Not to exceed \$30,000 for an additional water supply, Southern Navajo Agency, Ariz.; not to exceed \$7,000 for water and sewage disposal systems, Turtle Mountain Agency and Hospital, N. Dak.; not to exceed \$13,100 for water-filtration plant, with storage reservoir, at the Standing Rock Agency, N. Dak.; for two employees' cottages, Chotaw Agency, Miss., \$5,500; for employee's cottage, Blackfeet Agency, Mont., \$3,500; for office building, Rosebud Agency, S. Dak., \$7,500; for employee's cottage, Warm Springs Agency, Oreg., \$3,500; for office building, Tomah Agency, Wis., \$3,500, for electric system, Consolidated Ute Agency, Utah, \$2,500.

Mr. CRAMTON. In line 17 is a misspelled name—the word "Choctaw"—and I ask unanimous consent that the Clerk be authorized to correct any misspelled words and typographical errors.

The CHAIRMAN. And also the totals?

Mr. CRAMTON. Yes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent the Clerk have authority to correct misspelled words, wrong titles, and typographical errors in the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word. I rise to my feet for the purpose of calling to the attention of the chairman an item at the bottom of page 13, line 22, for the electric system, consolidated Ute Agency, Utah, \$2,500. Now, I have no objection in the world to this item. I think it is justified. I have gone through the hearings and find this electric-light plant is needed. Take the case of the Walker River Reservation at Schurz, Nev. Those Indians live 28 miles from a town. They are at least that far from an electric-light system. The Indians there are working hard trying to develop their allotments. They have an area of land under cultivation. The church there is absolutely bare of any apparatus for the

entertainment of these Indians. At night in driving through this agency everything appears dark, except a few lighted lamps here and there. I think if there is any agency or any reservation within the confines of the United States that deserves consideration in the way of electric lights it is the Walker River Reservation. We have reached a point in our civilization where electric lights are a plain necessity. I have risen on my feet for the purpose of calling to your attention not only this Consolidated Ute Reservation electric lights but other Indian reservations scattered through the West that should have the same thing, because I think you have got to give the Indians on the reservations some of the things which the rural white settlers have in their communities, such as weekly or semiweekly moving pictures, electrically lighted homes, and so forth. They ought to have the same means of civilization and consideration in the way of electric lights which other communities have.

I hope the subcommittee of the Committee on Appropriations will take this into its consideration. I also want to draw their attention, while I am on my feet, to another consideration, and that is the condition of these allotted lands. The superintendent of the Walker River Agency could bring in Indians from different sections of the States of Nevada and California and sell to them allotments. Indians, full-bloods and half-breeds, would come with their families and buy these allotments if there were not piled against the allotments an ever-increasing sum of back payments for operation and maintenance.

This is an important thing, gentlemen of the committee, and serious consideration should be given to it, so that a certain amount of accumulated operation and maintenance and construction charges could be stricken off these allotments to bring the price down to a point where the buyer would have some assurance of paying out in due time from crops raised. If something can be done toward wiping out the operation and maintenance charges most of these allotments can be sold.

The CHAIRMAN. Without objection, the proforma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$34,500: *Provided*, That no part of this appropriation shall be available for the payment of attorneys or other employees unless appointed after a competitive examination by the Civil Service Commission and from an eligible list furnished by such commission.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. HOWARD of Oklahoma. I want to ask the gentleman from Michigan if that item concerning competitive examinations by the Civil Service Commission and appointments from an eligible list furnished by the commission has been carried out? It has been carried in this bill, I think, several times.

Mr. CRAMTON. They have been under the Civil Service Commission for several years, ever since that has been in the bill.

Mr. HOWARD of Oklahoma. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act entitled "An act to provide for the allotment of lands in severalty to Indians," approved February 8, 1887 (U. S. C., p. 711, sec. 331), and under any other act or acts providing for the survey or allotment of Indian lands, \$35,000: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Dakota moves to strike out the last word.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, this bill carries the most liberal appropriations for the education, health, and industrial training and development of the Indians of any bill reported or passed since I became a Member of Congress. If the Indians are to be brought to a state of self-support within a reasonable length of time, even

more liberal appropriations must be provided, and the intensive campaign for their advancement already under way must be augmented.

Since my earliest recollection the Indian Bureau has always been the target for criticism, sometimes by honest people who were trying to do something constructive, and not infrequently by dishonest rogues who were seeking to exploit the Indians. Honest criticism, though sometimes unjust, should be welcomed. Dishonest criticism is always unjust and rarely constructive. There are some half dozen Indian welfare societies organized in the United States, and many societies and clubs maintain sections or divisions that specialize on Indian welfare. All but a few of these societies and units carry on helpful and constructive work. Two or three, however, under the cloak of friendship for the Indians, have for the past few years carried on a most vicious, mendacious, and abominable propaganda, wholly destructive in character and which has greatly hampered a proper functioning of the Indian Bureau. This propaganda has been directed not only at the Indian Bureau but at Members of Congress whose only offense has been their refusal to join in the hue and cry against the bureau and to carry out the pet schemes and projects of the proponents.

Some of the proposals advanced have been of the most visionary and impractical character and such as would make of the Indians paupers and public charges in a short time. A number of these pseudo friends of the Indians, by means of false representations, have induced Indians, already pitifully poor, to part with their money in order to enable the recipients to protect the donors against some great wrong which has its existence solely in the brain or tongue of the money collectors. Not only that but while acting in the presumptive capacity of special investigators these artists have seized the opportunity to carry on political propaganda against the Bureau of Indian Affairs and Members of this House.

There has been much talk of the investigation of lobbyists and their activities, both in and outside of Washington. Nothing could be more wholesome than the appointment of a committee fully empowered to make a thorough and searching examination into the activities of some of these self-constituted Indian welfare lobbyists and the character of their propaganda. Such an investigation would enable Congress to give proper weight and consideration to their activities and establish the necessary facts upon which to base remedial legislation.

For the past eight years there has been at the head of the Indian Bureau Hon. Charles H. Burke, one of the distinguished citizens of my own State. For some 14 years he was a Member of Congress. During that time he was a member of the Indian Affairs Committee and for several years its chairman. He knows and understands the Indian problem as few know it. His friendship for the Indians is deep and sincere. During his years of service he has done his best to improve their condition. His efforts have not satisfied himself nor many of the friends of the Indians, but, considering the appropriations available, he has accomplished much. Despite all criticism, I am confident that the discriminating and impartial student of Indian matters will say that his administration has been characterized by fidelity to the Indians and ability and vigor in defending their rights. That errors have been made few will deny, but that he has conducted his difficult task with the best interests of the Indians as his constant goal will be admitted by those who have the most intimate knowledge of Indian affairs and who are honestly seeking to aid in working out a practical program.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. O'CONNELL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNELL. Why does not the gentleman disclose the source of this propaganda, if it is malicious?

Mr. WILLIAMSON. If the House will authorize a committee of investigation, I shall be pleased to furnish not only the source of the propaganda but the names of the individuals involved. [Applause.]

Mr. LEATHERWOOD. Would it not be well for the committee of Congress in appointing a committee of investigation to have it go out and investigate both sides?

Mr. WILLIAMSON. Certainly. Some of the "investigations" that have come to my attention have been decidedly one-sided. I am not referring to investigations made personally by Members of Congress.

A most interesting résumé of accomplishments during his term as Commissioner has been prepared by Assistant Commis-

sioner E. B. Meritt, and I ask leave to insert it as a part of my remarks. I also ask leave to insert an editorial from the Daily Santa Fe New Mexican under date of December 5, 1928, which, I believe, will be of interest to the Members of this House and the country.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Following is the statement and editorial referred to:

OUTSTANDING CONSTRUCTIVE ACCOMPLISHMENTS DURING COMMISSIONER BURKE'S ADMINISTRATION OF INDIAN AFFAIRS

Statement by E. B. Meritt, Assistant Indian Commissioner, before the Appropriations Committee of the House of Representatives, November 19, 1928

It seems a proper time to bring to the attention of your committee some of the more important accomplishments of the Indian Service during the administration of Commissioner Burke. For more than seven years he has served as Commissioner of Indian Affairs, and, notwithstanding the fact that during that time the service has been greatly handicapped because of inadequate funds, much has been done for the advancement of the Indians and the improvement of the Indian Service.

The entire wealth of the Indians of this country in the fiscal year 1921 was estimated to be \$716,705,500. For the fiscal year 1928 the estimated Indian wealth is \$1,648,075,274.

The Indian population in 1921 was 340,838. The Indian population compiled from data during the fiscal year 1928 is 355,901, an increase of approximately 15,000.

Over the period of seven years between 1921 and 1928 consolidations of jurisdictions have been made throughout the service resulting in estimated savings under such consolidations of \$300,000. The consolidations were made as follows:

The Salt River and Camp Verde Agencies in Arizona were placed under the jurisdiction of the Phoenix nonreservation boarding school.

The Bishop Agency in California was consolidated with the Walker River Agency with headquarters at Schurz, Nev.

The Digger Agency in California was placed under the Reno Agency in Nevada, this latter agency being transferred subsequently to Sacramento Agency in California.

The affairs of the Indians of the Greenville, Tule River, and Round Valley Agencies in California are now being handled under the direction of the Sacramento Agency.

There were in California two jurisdictions known as the Northern and Southern Mission Agencies, and these have been combined into what is known as the Mission Agency.

In Colorado the Ute Mountain and Southern Ute Agencies have been combined into what is now the Consolidated Ute Agency.

The Potawatomi Agency, Kans., has been placed under the direction of the superintendent of Haskell Institute.

In Minnesota the Leech Lake and White Earth jurisdictions have been consolidated, and the affairs of these two agencies are now being handled by the Consolidated Chippewa Agency, with headquarters at Cass Lake, Minn.

In Nebraska the Omaha and Winnebago Agencies have been consolidated, with headquarters now at Winnebago, Nebr.

The Moapa River Agency in Nevada was made a subagency under the Palute Agency (formerly the Kaibab), with headquarters at Cedar City, Utah.

The Nevada and Fort McDermitt Agencies in Nevada were also placed under the Reno Agency, and with the abolishment of the latter agency the handling of the affairs of these two jurisdictions were taken over by the Carson nonreservation boarding school.

The Fallon Agency in Nevada has been placed under the Walker River Agency, with headquarters at Schurz, Nev.

The Seger and Cantonment jurisdictions in Oklahoma were placed under the Cheyenne and Arapaho Agency, with headquarters located at Concho, Okla.

The affairs of the Indians of the Ponca Agency in Oklahoma are now being handled under the direction of the Pawnee superintendent.

The Seneca School in Oklahoma has been placed under the direction of the superintendent of the Quapaw Agency.

The Siletz Agency in Oregon was placed under the jurisdiction of the Salem nonreservation boarding school.

In South Dakota the Lower Brule Agency is now under the direction of the superintendent of the Crow Creek Reservation.

The Goshute and Shivwits Agencies in Utah have been consolidated with the Palute Agency.

The Spokane Agency in Washington has been consolidated with the Colville Agency.

In Wisconsin the Grand Rapids jurisdiction has been placed under the Tomah nonreservation school, and the Laona and LaPointe Agencies in Wisconsin and the Mackinac Agency in Michigan have been placed under the Lac du Flambeau superintendency.

To-day there are 104 superintendencies, which include nonreservation and tribal boarding schools.

Appropriations for the Indian Service for the fiscal year 1921 totaled \$10,028,722.22. For the fiscal year ending June 30, 1928, the appropriations for the Indian Service totaled \$12,654,685. The foregoing totals of appropriations are for the amounts contained in the annual appropriation bills and do not include the items which were provided for in deficiency appropriation acts. During the last session of Congress more than four and one-half million dollars were appropriated on account of the Indian Service in deficiency acts, \$3,800,000 of which was for the construction of the Coolidge Dam in Arizona. Many of the other items provided in the deficiency act were in fulfillment of special authorizations by Congress.

Education: In 1921 the total number of Indian children in all schools was 62,764, of whom 33,250 were attending public schools. During the fiscal year 1928 there were 68,881 pupils enrolled in all schools, and of that number 34,163 were enrolled in the public schools.

The following improvements have been made at the schools classed as nonreservation boarding schools or schools receiving specific appropriations in the annual appropriation bills:

Albuquerque School, New Mexico: A new gymnasium and assembly hall have been constructed, the academic building has been enlarged, several sleeping porches have been added to dormitories, a new hospital has been constructed, the sewer system has been improved and enlarged, additional land is authorized to be purchased, and the capacity has been increased from 474 to 850, an increase of 376 pupils. The grades at this school have been increased from 10 to 12.

Bismarck School, North Dakota: The capacity of this school has been increased from 80 to 115; an employees' cottage has been provided, and through a deficiency appropriation additional land is being purchased.

Carson School, Nevada: The domestic and irrigation water supply have been improved, a new dining hall provided, an assembly hall and an employees' cottage constructed, additions constructed to the boys' dormitory and the school building, central heating plant has been enlarged, and during the fiscal year 1929 a new dormitory is being constructed. The capacity of the school has been increased by 100—from 375 to 475—and the grades have been increased from 8 to 9.

Charles H. Burke School, New Mexico: This school was formerly the Fort Wingate military post and was transferred to the Interior Department from the War Department for Indian educational purposes in 1926. Extensive repairs and improvements to the buildings and the construction of new buildings was necessary before the plant could be put into operation and Congress provided an appropriation of \$334,000, which included \$100,000 for the new school building and assembly hall, extension of water, sewer, and light systems. The capacity has been increased from 500 to 700, an increase of 200 pupils.

Cherokee School, North Carolina: Additional land has been purchased, a concrete reservoir has been constructed, a hydroelectric system has been installed, an annex has been constructed to the boys' dormitory, and a new school building and girls' dormitory provided. The dining room has been enlarged and the old school building converted into a dormitory. As a result of these improvements the capacity of this school has been increased by 200.

Chilocco School, Oklahoma: The water and engineering systems have been improved; an employees' cottage, new hospital, domestic science building, and barn have been constructed; and the gymnasium and shop building destroyed by fire have been constructed. The capacity of the school has been increased from 500 to 800 and the grades increased from 10 to 12.

Fort Bidwell School, California: A new school building and hospital are under construction at this school.

Fort Mojave School, Arizona: The school irrigation system has been developed; the dining hall enlarged, new electric-light plant installed; and a new school has been constructed. A steel water tank and tower and new water mains have also been provided. The capacity of the school has been increased by 50.

Flandreau School, South Dakota: A new central heating plant has been installed, a dairy farm constructed, and the old boys' dormitory remodeled. The capacity of the school has been increased from 360 to 375.

Haskell Institute, Kansas: The heating and power systems of this school, the water system and farm drainage, have been remodeled and improved. The teachers' quarters have been enlarged and remodeled and the office building has been enlarged. Further improvements to the sewer system are being made during the fiscal year 1929 and the boys' dormitories are being remodeled. The capacity of the school has been increased from 750 to 850, and the grades were increased September, 1921, from 10 to 12.

Genoa School, Nebraska: The water, light, and sewer systems have been improved, a gymnasium constructed, and a new heating and power plant installed. The capacity of the school has been increased from 400 to 500.

Mount Pleasant School, Michigan: A new heating and power system and water-softening system have been installed, an old building has been remodeled for use as a hospital, and the old hospital remodeled for dormitory purposes. The capacity has been increased from 350 to 400 and the ninth grade added.

Phoenix School, Arizona: Sleeping porches have been added, new buildings have been constructed, additional land has been purchased, and the heating plant has been enlarged and improved. The capacity of the school has been increased from 700 to 900 and the eleventh and twelfth grades have been added.

Pierre School, South Dakota: Through slight repairs and additions the capacity has been increased by 25 pupils, and the ninth grade has been added.

Pipestone School, Minnesota: The water and steam heating systems have been improved, a new bake oven installed, and the academic building and assembly hall have been enlarged. The capacity of the school has been increased by 88 and the eighth and ninth grades added.

Rapid City School, South Dakota: A new school building has been completed, an assembly hall has been constructed, the hospital has been enlarged and improved, a new laundry building has been constructed, the capacity has been increased by 15, and the ninth grade added.

Salem School, Oregon: The entire heating system has been remodeled and high-pressure steam installed. A new boys' dormitory, small girls' dormitory, dining hall, kitchen, and employees' quarters have been constructed; repairs have been made to the water system; and a new septic tank and improved sewerage facilities provided. The capacity has been increased by 250 and the eleventh and twelfth grades have been added.

Santa Fe School, New Mexico: Additional land has been purchased, the heating system has been enlarged and improved, sleeping porches have been added to buildings, the dining hall has been enlarged, a new dormitory has been constructed and one of the old dormitories remodeled, and a new hospital is now in course of construction. The capacity of this school has been increased by 100 pupils.

Sequoyah Orphan Training School, Oklahoma: A new school building and assembly hall, dining hall, and hospital have been constructed; a new water tower and tank erected; the school building has been enlarged; additional land has been purchased; and the primary schoolroom has been converted into dormitory space. The capacity of this school has been increased by 140 pupils and the ninth and tenth grades have been added.

Sherman Institute, California: Additional sleeping porches have been added, and this, together with other miscellaneous remodeling and repairing, has increased the capacity of this school by 250 pupils. Twenty-six acres of land were purchased; a new horse and dairy barn have been constructed. The grades have been increased from 10 to 12.

Theodore Roosevelt School, Arizona: This school was formerly the Apache military post and was secured by the Interior Department for Indian educational purposes in 1924. It has a capacity of 450.

Tomah School, Wisconsin: The barn and shops at this school have been rebuilt, the dining hall enlarged and improved, and additions made to the school building and the girls' building. The capacity has been increased by 50 pupils.

Truxton Canon School, Arizona: The capacity of this school has been increased by 85 pupils through the construction of a new dormitory and improvement of school space and the addition to the assembly hall. A new ice plant, laundry machinery, and pumping machinery for irrigation purposes have also been provided.

Wahpeton School, North Dakota: The capacity of this school has been increased by 125 pupils and the ninth grade added. A shop building and employees' cottages have been constructed; additions have been made to classrooms, dormitories, and dining hall; and the old school building has been remodeled into an employees' dining room and kitchen.

In addition to increasing the grades in a number of the reservation day schools, grades have also been added to the reservation boarding schools at Blackfeet, Mont.; Bloomfield, Cheyenne and Arapahoe, Euclee, and Eufaula, Okla.; Fort Belknap, Mont.; Fort Sill and Jones, Okla.; Keshena, Wis.; Leupp, Ariz.; Pawnee, Okla.; Pine Ridge, S. Dak.; Red Lake, Minn.; Rice Station, Ariz.; Rosebud, S. Dak.; Seneca, Okla.; Shoshone, Wyo.; and Standing Rock, N. Dak.

CONSERVATION OF HEALTH

Appropriations for health work for the fiscal year 1921 totaled \$350,000, and for the fiscal year 1928, \$948,000 was specifically authorized for this purpose. In addition to this amount, other funds have been allotted for conservation of health. The total number of hospitals in the Indian Service in 1921 was 81, with a total bed capacity of 2,411. This number has been increased over the period of seven years to 92, with a bed capacity of 3,150. The medical personnel of the service has been increased gradually, and in 1928 there were 195 physicians of all kinds, 170 nurses, 31 field nurses, and 31 field matrons, as compared with 174 physicians, 81 nurses, and 70 field matrons in 1921. The field matrons are being gradually replaced by graduate nurses trained in public-health work.

Between the seven-year period, 1921 to the close of the fiscal year 1928, the following new hospitals have been constructed or established: Albuquerque School Hospital, with a capacity of 60 beds, the total cost of which was \$65,000.

Pyramid Lake Sanatorium, Nevada, 84 beds were provided through the conversion of dormitories for sanatorium purposes at a cost of \$30,000.

Charles H. Burke School Hospital, capacity 45 beds. This building was converted into a hospital at a cost of approximately \$15,000.

At the Chillicothe School, Oklahoma, a 50-bed hospital has been constructed at a cost of \$24,750.

For the Choctaws, in Mississippi, a 25-bed hospital has been erected at a total cost of \$14,567.

The Consolidated Chippewa Sanatorium, with a capacity of 82 beds, was provided through the conversion of school dormitories for sanatorium purposes.

A small 10-bed hospital has been provided at the Euchee School through the remodeling of an existing building.

A 60-bed hospital has been constructed on the Fort Apache Reservation, Ariz., at a cost of \$50,000.

The superintendent's quarters at Fort Belknap, Mont., was converted into a 15-bed hospital.

A 14-bed hospital, costing \$11,500, was constructed at the Fort Hall Agency, Idaho.

A small 6-bed hospital or infirmary has been constructed at the Havasupai Agency at a cost of \$5,000.

The Keshena Hospital, in Wisconsin, which was destroyed by fire, is being replaced at an approximate cost of \$44,000, with a capacity of 50 beds.

A 30-bed hospital, costing \$43,000, has been constructed on the Klamath Reservation.

At Laguna, N. Mex., a 30-bed general hospital was added to the existing 36-bed tuberculosis hospital.

The Leupp Hospital, with a capacity of 50 beds, was constructed at a cost of approximately \$25,000.

A new hospital at Soboba, under the Mission Agency in California, is in process of construction. This building will furnish approximately 30 beds and will cost \$30,000.

A 12-bed hospital has been provided for the Taos Indians under the northern Pueblos Agency at a cost of approximately \$15,000.

A 12-bed hospital has been constructed at the Sequoyah Orphan Training School at a cost of \$10,000.

The boarding school at Shawnee, Okla., was converted into an 80-bed tuberculosis sanatorium at a cost of approximately \$40,000.

Hospitals of 15-bed capacity each were provided at the Chin Lee and Tohatchi Schools in Arizona and New Mexico, respectively, at a cost of \$15,000 each. An old officers' quarters at the Theodore Roosevelt School was converted into a 20-bed hospital.

An 18-bed hospital has been established through the conversion of employees' quarters on the Tongue River Reservation.

A 36-bed hospital has been constructed on the Western Navajo Reservation at a cost of \$29,972.

A 60-bed tuberculosis sanatorium, costing approximately \$40,000, has been provided on the Yakima Reservation, Wash.

The Zuni Boarding School plant, New Mexico, has been converted, at a cost of approximately \$10,000, into an 80-bed tuberculosis sanatorium.

Aside from the hospitals above mentioned, new hospitals are now under construction at Fort Berthold, N. Dak.; Claremore, Okla.; San Carlos, Ariz.; and Southern Navajo, Ariz.

The former Marsh Pass Boarding School at Kayenta, Ariz., is being converted into a hospital to provide 40 beds for tuberculosis cases and 10 beds for general cases. The approximate cost of this conversion will be \$7,000.

Hospital facilities have been improved and increased at a number of other points in the service; X-ray machines have been provided in a number of these hospitals. During the fiscal year 1928 over 34,100 patients were treated, with over 626,300 days of hospital treatment.

The death rate of Indians in 1921 was approximately 24.8 per thousand, and the death rate during the fiscal year 1928 has been reduced to 21.8 per thousand.

The Indian medical service has been reorganized and the country divided into four medical districts with a medical director in charge of each. Four medical officers of the United States Public Health Service were detailed to the Indian Service, one of whom was assigned to the position of chief medical director and the other three were assigned as district medical directors. The establishment of these positions of district medical director has been of material assistance in improving general health conditions throughout the service as to operation of hospitals, care and treatment of the sick, development of disease-prevention measures, and the better reporting of morbidity and mortality statistics.

Special efforts have been made to cure and prevent the spread of trachoma among the Indians. To this end the Navajo Boarding School at Fort Defiance, Ariz., with a capacity of 450 pupils, and the Tohatchi Boarding School at Tohatchi, N. Mex., with a capacity of 250 pupils, and the San Juan Boarding School, with a capacity of 200, have been designated as "trachoma" schools. The Chin Lee Boarding School in Arizona, with 160 capacity, the Charles H. Burke School in New Mexico, with 600 capacity, and the Theodore Roosevelt School in Arizona, with 450 capacity, have been designated as trachoma-free schools. By this method of segregation it is believed that much progress can be made in the elimination of this disease among the Indians. Trachoma clinics have also been held in various sections of the Indian

country, and since the establishment of a more detailed campaign against trachoma in 1925—10,782 surgical and 11,485 medical treatments have been given for the amelioration of this disease and the incidence of trachoma has fallen from an estimated figure of 30 per cent in 1921 to 17.2 per cent at the end of March, 1928.

Efforts are being made also to check the widespread prevalence of tuberculosis among the Indian population, and to this end increased sanatorium facilities have been provided and special emphasis has been placed on preventive measures both in schools and in the ordinary reservation activities. Sanatorium schools for the benefit of children suffering from tuberculosis have a bed capacity of 874. There is not adequate provision for the care and treatment of this disease among the adult Indian population. As hospitals are enlarged, facilities are being provided for the care of adult Indians suffering with this disease, and some progress is being made in the fight against it. However, because of the unwillingness of the Indians to leave home for hospital treatment, it is not anticipated that there will be a considerable showing of results under this activity.

INDUSTRIAL ACTIVITIES

The outstanding work in connection with the individual development of the Indian has probably been the inauguration of what is known as the 5-year industrial program, which had its inception on the Blackfeet Reservation in Montana in 1922. This 5-year program proved to be quite successful, and industrial surveys were made on other reservations, and to-day these industrial programs have been inaugurated on 35 different reservations. The reservations are divided into farm chapters, and in 1928 there were 408 such chapters with a total membership of 6,761, in addition to 278 4-H Clubs, with a membership of 3,284. These chapters vie with each other in making and breaking records for work and production. Campaigns are put on along special lines to see which chapter can hold the record for the largest percentage of newly broken land and which chapter will have the largest number of members owning pigs, chickens, sheep, or cattle. As a result of these increased industrial activities Indians have been exhibiting their products in State and county fairs, and in the fiscal year 1928 the adult Indians won 281 prizes and the 4-H Club members won 198 county prizes and 101 State prizes in competition with whites.

During the fiscal year 1921 there were 47,191 Indians engaged in farming and stockraising. For the fiscal year 1928, 52,287 Indians are engaged in this work.

INDIAN LEGISLATION—JURISDICTIONAL ACTS

During the period between February 6, 1921, and May 18, 1928, 26 separate acts of Congress have been enacted authorizing the adjudication of claims against the United States by certain Indian tribes. The following is a list of these jurisdictional acts:

Conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-fund claim of the Osage Nation of Indians against the United States, approved February 6, 1921 (41 Stat. 1097).

For the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington, approved March 13, 1924 (43 Stat. 21).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes, approved March 19, 1924 (43 Stat. 27).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes, approved May 20, 1924 (43 Stat. 133).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes, approved May 24, 1924 (43 Stat. 139).

To amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," approved May 24, 1924 (43 Stat. 137).

Authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims, approved June 4, 1924 (43 Stat. 366).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes, approved June 7, 1924 (43 Stat. 537).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Stockbridge Indians may have against the United States, and for other purposes, approved June 7, 1924 (43 Stat. 644).

Conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the red pipestone quarries, Minnesota, approved January 9, 1925 (43 Stat. 730).

Authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims, approved January 9, 1925 (43 Stat. 729).

To refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States, approved February 7, 1925 (43 Stat. 812).

For the relief of the Omaha Indians of Nebraska, approved February 9, 1925 (43 Stat. 820).

Authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise, approved February 12, 1925 (43 Stat. 886).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have, against the United States, and for other purposes, approved March 3, 1925 (43 Stat. 1133).

Authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, approved May 14, 1926 (44 Stat. 555).

Authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect, approved May 10, 1926 (44 Stat. 568).

To amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims, approved June 24, 1926 (44 Stat. 764).

Authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims, approved July 2, 1926 (44 Stat. 801).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, approved July 3, 1926 (44 Stat. 807).

Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboin Indians may have against the United States, and for other purposes, approved March 2, 1927 (44 Stat. 1263).

Authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims, approved March 3, 1927 (44 Stat. 1349).

To grant the right and time for appeal to plaintiffs in suit numbered 33731 in the Court of Claims of the United States, approved March 4, 1927 (44 Stat. 1847).

For the relief of the Arapahoe and Cheyenne Indians, and for other purposes, approved March 29, 1928 (45 Stat. 380).

To confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 18, 1928 (45 Stat. 601).

Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California, approved May 18, 1928 (45 Stat. 602).

OTHER LEGISLATION

Other important acts enacted over a 7-year period cover the following: To amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," approved March 3, 1921 (41 Stat. 1249).

Providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes, approved March 3, 1921 (41 Stat. 1355).

Amending section 26 of leasing act of June 30, 1919 (41 Stat. 31), to include leasing for additional minerals as "metalliferous minerals" on certain Indian reservations, approved March 3, 1921 (41 Stat. 1231).

To authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the State of Montana, approved September 20, 1922 (42 Stat. 857).

To authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes, approved March 4, 1923 (42 Stat. 1448).

To provide for the payment of claims of Chippewa Indians of Minnesota for back annuities, approved April 14, 1924 (43 Stat. 95).

For the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash., approved April 28, 1924 (43 Stat. 111).

For the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes, approved May 19, 1924 (43 Stat. 132).

An act granting citizenship to all Indians, approved June 2, 1924 (43 Stat. 253).

Providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina, approved June 4, 1924 (43 Stat. 376).

For the continuance of construction work on the San Carlos Federal Irrigation project in Arizona, and for other purposes, approved June 7, 1924 (43 Stat. 475).

Authorizing the Secretary of the Interior to investigate and report to Congress the facts in regard to the claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses, approved June 7, 1924 (43 Stat. 477).

To quiet the title to lands within Pueblo Indian land grants, and for other purposes, approved June 7, 1924 (43 Stat. 636).

To compensate the Chippewa Indians of Minnesota for timber and interest in connection with the settlement for the Minnesota National Forest, approved February 28, 1925 (43 Stat. 1052).

Appropriating money for the relief of the Clallam Tribe of Indians in the State of Washington, and for other purposes, approved March 3, 1925 (43 Stat. 1102).

To pay Chippewa of Minnesota \$1,787,551.36 for lands taken under free homesteads act of May 17, 1900 (31 Stat. 179), approved March 3, 1926 (44 Stat. 173).

To authorize the leasing for mining purposes of land reserved for Indian agency and school purposes, approved April 17, 1926 (44 Stat. 300).

To provide for allotting in severalty lands within the Northern Cheyenne Indian Reservation in Montana, and for other purposes, approved June 3, 1926 (44 Stat. 690).

Amends the act of June 30, 1919 (41 Stat. 31), for leasing unallotted lands for metalliferous minerals to include nonmetalliferous minerals (exclusive of oil and gas) on Indian reservations in certain States, approved December 16, 1926 (44 Stat. 922).

To authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States, approved February 26, 1927 (44 Stat. 1247).

To authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, approved March 3, 1927 (44 Stat. 1347).

To amend the act entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," approved May 30, 1908, as amended, and for other purposes, approved March 3, 1927 (44 Stat. 1401).

Appropriates \$463,732.49 to pay loyal absentee Shawnee Indians of Oklahoma for Civil War depredations, approved December 22, 1927 (45 Stat. 18).

To amend section 1 of the act of June 25, 1910 (36 Stat. L. p. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved March 3, 1928 (45 Stat. 161).

To provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, approved April 21, 1928 (45 Stat. 442).

Authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States, approved May 3, 1928 (45 Stat. 484).

Authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande Conservancy District providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, approved March 13, 1928 (45 Stat. 312).

To extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes, approved May 10, 1928 (45 Stat. 495).

To provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex., approved March 27, 1928 (45 Stat. 372).

In connection with the foregoing special mention should be made of the amount which has been obtained for the Chippewa Indians in Minnesota. One of their long standing claims was for the value of lands and timber taken by the Government for the Minnesota National Forest under the act of May 23, 1908. A commission was appointed pursuant to the provisions of this act and its finding was that the Indians were entitled to the sum of \$1,490,195.58 as the value of this property. This finding was approved by the President and on May 31, 1923, the amount was placed to the credit of the Chippewa Indians in the United States Treasury, the same to draw interest at the rate of 5 per cent per annum. Another claim of these Indians was for the value of certain lands in the vicinity of the Red Lake Reservation in Minnesota, taken by settlers under what was known as the free homes act of May 17, 1900 (31 Stat. 179), and never paid for by the Government as provided for in the act. By the act of March 3, 1926 (44 Stat. 173), without the necessity of a suit in the Court of Claims, \$2,091,669.03 was appropriated covering both principal and interest on this claim, and by the same act interest amounting to \$422,939.01 was appropriated on the Minnesota National Forest claim. In all, the sum of \$4,074,907.15 was added to the Chippewa in Minnesota fund in settlement of these claims without any charges accruing for attorney fees.

Another of the outstanding pieces of legislation enacted during this time was the act of June 7, 1924 (43 Stat. 363), authorizing the crea-

tion of the pueblo lands board for the purpose of adjusting controversies in connection with title to lands within the 20 pueblo grants. Approximately one-half of this work has been completed and more than \$150,000 awarded to the Pueblo Indians by the action of this board.

In connection with the act authorizing the settlement of the affairs of the eastern band of Cherokee Indians in North Carolina, more than 16,000 person applied for enrollment and the tribe has initiated contests respecting the rights of 1,216 enrollees.

Under the act of February 26, 1927, authorizing the cancellation of fee patents, more than 200 patents have been canceled.

OTHER ACCOMPLISHMENTS

During the calendar year 1918 a disastrous fire swept the town of Fond du Lac, Wis., and destroyed a number of Indian homes. This fire had its origin, so it was alleged, in sparks flying from engines of the Great Northern Railway during the period of Government operation. The matter of damages for these Indians was taken up with the United States Railroad Administration, and in 1925 settlement for 245 claims, aggregating \$222,968.77, was effected.

Over a period of seven years the receipts from timber sales have increased from approximately \$1,400,000 to approximately \$2,500,000 annually. The cost of timber sale administration has been less than 21 cents per thousand feet or 5½ per cent of the gross receipts.

A total of 4,894 allotments have been made on the Gila River Reservation in Arizona covering 97,880 acres. On the Blackfeet Reservation, Mont., 4,301 allotments were made covering 554,613 acres. Allotment work on the Flathead Reservation was completed and a total of 920 allotments made covering 123,457 acres. The act of June 4, 1920, authorized allotments on the Crow Reservation, in Montana, and 2,126 such allotments were made covering a total acreage of 1,654,412. On the Fort Belknap Reservation, in Montana, 540,000 acres were divided into 1,171 allotments. There were 1,402 allotments made on the public domain in different States embracing 208,817 acres.

In connection with the purchase of Indian goods and supplies, there has been established, through authority of Congress, the Indian Service supply fund, which has enabled the office to make prompt payments for goods purchased, thereby obtaining lower prices and taking advantage of discounts. Purchasing procedure has been improved wherever possible and a large amount of surplus property suitable for use in Indian schools and agencies has been obtained.

Between January 1, 1921, and January 1, 1928, 271 banks having deposits of \$6,357,911 were closed by reason of insolvency. Recovery has been effected in all but four of these cases.

Legislation was obtained authorizing an appropriation of \$5,500,000 for the construction of the Coolidge Dam in Arizona. Under this authorization, appropriations have been obtained and the dam has been completed, thus making it possible to irrigate 80,000 acres of additional lands, 40,000 of which are on the Pima Indian Reservation.

The foregoing are a comparatively few of the thousands of constructive accomplishments during the last seven years under the administration of Commissioner Burke. It will be noted that during this time the Indian population has increased approximately 15,000, the total wealth of the Indians has increased approximately \$925,000,000, approximately \$300,000 has been saved by consolidations of schools and agencies, appropriations for the Indian Service have been materially increased and there are over 6,000 more Indian children in school now than seven years ago.

The appropriation for health work for the fiscal year 1929 is \$1,440,000, or four times the amount that was appropriated for this same work seven years ago. The number of doctors, nurses, and hospitals have been materially increased during the past seven years, there being now 17 more hospitals than we had in the Indian Service seven years ago. The medical service has been reorganized, the salaries of employees have been materially increased, the Indians are now doing more farming than ever before, there being 5,000 more Indians engaged in industrial activities now than at the beginning of the administration of Commissioner Burke.

There have been 26 jurisdictional bills passed during the administration of Commissioner Burke permitting Indians to go before the Court of Claims to adjudicate their claims against the United States. This is a larger number of jurisdictional bills than ever before passed in a similar period of time.

The Indian citizenship bill was passed by Congress during the administration of Commissioner Burke, extending citizenship to all Indians in the United States, and some of the most important legislation in the history of the Indian Service has been enacted during that time. For example, the passage of the act extending the trust period on the lands of the Five Civilized Tribes, which will save the property of at least 10,000 Indians of those tribes, which property is valued at millions of dollars.

I do not believe that there has ever been any other period of seven years in the history of the 100 years of the jurisdiction of the Indian Bureau over Indian affairs when so many constructive things have been accomplished as during the past seven years under the administration of Commissioner Burke.

However, I want to make it perfectly clear that many things need to be done that can not now be done with the limited appropriations available. While we are not asking for appropriations other than appear in the estimates, and we are not permitted to do so under the Budget system, it is my belief that instead of annual appropriations of between \$12,000,000 and \$15,000,000 as now authorized by Congress we need approximately \$25,000,000 a year for several years to come if we are to meet the actual requirements of the situation. We need more doctors, more medical experts on trachoma and tuberculosis, more sanatoria and sanatorium schools, and at least 200 more nurses are needed at once for our field service. We need at this time at least 25 additional hospitals for Indians now without adequate hospital facilities.

We need better school facilities, with a minimum per capita allowance of \$300, which amount is necessary for the conduct of our schools if we are to operate them along modern standards of education. Our present school dormitories, schoolrooms, and shops need better equipment, and we need an increased appropriation to provide dairy cows so that our school children can have more milk. Our present school system needs to be reorganized and placed on a more modern and efficient basis with college and university graduates trained along modern educational lines and with experience in educational work in supervisory educational positions, such as supervisors, principals, and principal-teachers.

We need a much larger reimbursable appropriation to improve bad home conditions among Indians. More money is needed to provide for at least 100 trained women with social service ideals as field demonstration agents to improve home and living conditions.

We need at least 50 more trained agricultural and industrial leaders to teach Indians to make better use of their industrial opportunities. We need more funds to provide a larger variety and better balanced food for our Indian school children.

We need an increased trained force of well-paid employees to bring the Indians generally to a better realization that after all the Indian problem is their problem and that it is the duty of the Indians of this country to become by their own efforts industrious, progressive, self-supporting, and law-abiding citizens of this great Republic.

While frankly acknowledging the foregoing needs of the Indian Service in order to bring about an ideal administration of Indian affairs, we recognize that these increased appropriations must be obtained gradually, but we are working to a definite aim and with the cooperation of the Bureau of the Budget, the Congress, and the friends of the Indians generally, which has been so generously extended in the past, we hope to reach this goal within the next three or four years. In the meantime, we have a feeling of pride in what has already been accomplished under the administration of Commissioner Burke, and we feel that the foundation has been laid for a more rapid progress in the promotion of the welfare of the American Indian during the next few years than has ever before been possible in a similar period of time in the history of the administration of Indian affairs by the Federal Government.

Much of the unprecedented progress of the Indians of this country during the last seven years is due to the able and wise leadership of Commissioner Charles H. Burke, who has made his home practically his entire adult life in South Dakota among the Sioux, who by reason of his long and close contact understands the Indians and has an intimate knowledge of their needs and problems, who spent 14 years in Congress representing their interests as a member of the House Committee on Indian Affairs, and part of the time as chairman of that important committee, and who for more than 7 years has served the Indians of this country honestly, faithfully, and well as their Commissioner of Indian Affairs. Commissioner Burke is recognized by practically all fair-minded people who know the Indian problem as the best informed and equipped and the most efficient Commissioner of Indian Affairs who has ever served in that high, responsible, and exceedingly difficult position. No honest man can or will question his integrity, his high Christian character, his sterling worth as a citizen or as an official of our Government, or his loyalty and devotion to the cause of the American Indian.

[From the Santa Fe New Mexican, December 5, 1928]

THE INDIAN BUREAU

The new Secretary of the Interior recommends a more definite and improved policy for administration of Indian affairs.

With all due regard to the well-known century of dishonor and the fumbings and inefficiencies and bureaucracies of the Indian Bureau, this moves us at this time to utter a word of defense. The New Mexican has done its full share of denunciation of the mistakes and injustices laid at the door of this bureau, and it would be highly unfair not to tender a few brief words of praise for the things it has been doing recently in the Southwest. Certainly it will not receive any such praise from the agencies of highly personal malice which chiefly motivate the present drive against the bureau.

It should be explained that there are two sets of organizations now concerning themselves with Indian affairs. The one has sought

by cooperation and stimulation to get things done, with very gratifying success. The other is out frankly and solely to get the scalps of the commissioner and his assistant by fair means or foul.

It may be that the Indian Bureau and its personnel are cruel, brutal, rapacious, oppressive, unscrupulous, dishonest, and thievish, as alleged, in Oklahoma, California, and other seaports where instances of alleged beating of boys with cats-o'-nine-or-more-tails are viewed with alarm.

However, in the States of Arizona and New Mexico we have seen the Navajos and Pueblos organize, at the suggestion of the bureau, into councils to have a voice in their own government and negotiate their grievances with Uncle Sam.

Santa Fe has had an opportunity to watch the village Indians discussing their affairs with the Government amicably and with satisfaction to themselves.

These two States have seen various expensive dormitories, hospitals, and other improvements built, have watched expert nurses hired by private organizations work with the approval and aid of the bureau, have seen world-noted experts called in to lead a fight on trachoma, have read lengthy recommendations by the assistant commissioner for a hundred reforms in educational methods, medicine, hospitalization, sanitation, and whatnot. The public knows such men as Faris, McCormick, Perry, Burton Smith, Crandall, and finds them more or less typical of the fine general run of local Indian officials. We find the assailants of the bureau making no mention of the monumental work of the Pueblo lands board or the record of Hagerman in putting the Navajos on a basis of semiautonomy. The Pueblo ceremonial dances are proceeding undisturbed, and the Pueblos themselves so far from being herded by an inhumane Government, are allowed the run of the whole country to such an extent that you see more dances in Los Angeles than in Tesuque.

Of course, the Indian Bureau has been steeped in an archaic point of view; it has been the apotheosis of bureaucracy, the product of an ancient system. Knowing that fact, we should give it the greater credit for every progressive step. We say unhesitatingly that it is deserving of high praise for the improvement it has brought about in administration in the Southwest. Settling the Pueblo land controversy alone is a most remarkable achievement. Whoever deserves the credit for creating the machinery of settlement, it was done finally with the cooperation of the bureau.

This is no brief for the Indian Bureau in perspective or as a whole. It needs a new and broader human viewpoint. It got the way it is, incidentally, through the necessity of doing business with a Congress full of politicians. It has done petty and oppressive things inside its organization, and it has not been sufficiently responsive to public sentiment. Through habituation to bitter and often irresponsible attacks from every quarter, it has become too casehardened often to pay attention to constructive suggestions.

Yet in the past two or three years, we in the Southwest have seen it make an honest, earnest effort to meet constructive criticism, and have witnessed a tremendous improvement in policy and method.

We insist that this record be not excluded from the picture, and in particular that Assistant Commissioner Meritt receive a well-earned bouquet.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For purchase of additional land and water rights for the use and benefit of Indians of the Navajo Tribe, title to which shall be taken in the name of the United States in trust for the Navajo Tribe, \$200,000, as authorized by the act of May 29, 1928 (45 Stat. 899), payable from funds on deposit in the Treasury of the United States to the credit of the Navajo Tribe: *Provided*, That in purchasing such lands title may be taken, in the discretion of the Secretary of the Interior, for the surface only.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Why is there an invitation here in the language of this proviso, in selling these lands, to retain the mineral rights?

Mr. CRAMTON. Is this the Navajo land item?

Mr. BLANTON. Yes; on lines 16, 17, and 18. In other words, in purchasing these lands for them with their funds, the Government is permitted to take for them title only to the surface. It occurs to me it is an invitation to owners selling the lands to retain the mineral rights. Frequently the mineral rights are most valuable.

Mr. CRAMTON. The Indians are very anxious to acquire those lands. They are not acquiring them for speculative purposes or the possibility of obtaining minerals, but in connection with their flocks and herds. They can be bought from the railroads. In one case they are owned by the railroads; and in other cases they are owned by companies. They can be bought for around \$1.25 an acre if the mineral rights are not

included; but if we insist on the mineral rights as well as the land the price will be materially greater.

Mr. BLANTON. Well, in selling land as between individuals the custom is now to have some limitation on the reservation. For instance, where parties reserve mineral rights, they frequently reserve them only for a number of years. Does the gentleman think it wise to cut these Indians off from all of mineral values?

Does the gentleman think it wise to cut these Indians off from all valuables that may be under their lands?

Mr. CRAMTON. It is within the discretion of the administrative authorities to make such contracts as they can, but we open the way so that if they can not get the lands at that low price they have authority to make any contract they think is desirable. I agree with the gentleman it is nicer to have the mineral rights with the lands, but if we required them to acquire the mineral rights it might increase very greatly the cost of the lands.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

INDUSTRIAL ASSISTANCE AND ADVANCEMENT

For the purposes of preserving living and growing timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, and to educate Indians in the proper care of forests; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, including \$50,000 for the employment of agricultural college graduates scientifically trained and qualified to direct the agricultural activities of the Indians, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$435,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose: *Provided further*, That not to exceed \$100,000 of the amount herein appropriated may be used for the prevention of forest fires on Indian reservations: *Provided further*, That not to exceed \$20,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits, and for producing and maintaining a supply of suitable plants or seed for issue to Indians: *Provided further*, That not to exceed \$10,000 of the amount herein appropriated may be used for obtaining remunerative employment for Indians and when necessary for payment of transportation and other expenses to their place of employment, such expenditures to be refunded when practicable: *Provided also*, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912 (U. S. C. p. 692, sec. 58).

Mr. BLANTON. Mr. Chairman, I make a point of order against the last proviso as a change in the law unauthorized in an appropriation bill. It seeks to take the limitation off that was prescribed in the act of 1912.

Mr. CRAMTON. Mr. Chairman, I feel sure it is subject to a point of order, otherwise there would be no occasion for it. It is a proviso that has been carried for a number of years. I have forgotten just what the act of 1912 provides, and hence I do not recall how important this is.

Mr. BLANTON. It fixed the maximum of these payments, and to take the maximum limit off and just leave it to the discretion of the Indian Office I do not think is salutary. I think we ought to retain these limitations.

Mr. CRAMTON. I will read the section that this refers to. I will say to the gentleman it has been carried for a number of years, but my recollection is not clear as to the situation or what the effect would be if the point of order is sustained. However, I will admit it is subject to a point of order.

Mr. BLANTON. I will state to the gentleman that I intend to make it.

Mr. CRAMTON. I would like to make clear just what it is that we are doing.

Mr. BLANTON. We are taking these limitations off too frequently, in my judgment.

Mr. CRAMTON. Section 58 provides:

Not more than \$15,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, except the Osage, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary

of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may be consolidated the expenditure of such consolidated agencies for regular employees shall not exceed \$20,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

It appears that the purpose of the paragraph is to limit the amount of money that can be paid for employees within one reservation. It limits the amount that can be paid for certain classes of employees at one reservation. Now, the gentleman appreciates the great difference in reservations, and if this is stricken out it will limit the expenditure but not the salary of any employee. It limits the total amount that could be spent for matrons, foresters, farmers, physicians, nurses, and so forth, at any one reservation.

Mr. BLANTON. And very effectually thereby limit salaries.

Mr. CRAMTON. It is subject to a point of order if the gentleman insists on it.

Mr. BLANTON. I intend to make it.

Mr. COLTON. Will the gentleman withhold his point of order for a moment?

Mr. BLANTON. It will only waste time.

The CHAIRMAN. Gentlemen speaking in the committee should rise.

Mr. BLANTON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman from Texas makes a point of order against the proviso. The point of order is conceded by the chairman of the subcommittee, and in the opinion of the Chair the point of order is well taken. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

In all, for irrigation on Indian reservations, not to exceed \$160,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1929, which is hereby reappropriated, reimbursable as provided in the act of August 1, 1914 (U. S. C. p. 716, sec. 385): *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated: *Provided further*, That the costs of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word.

The last words read by the Clerk refer to just the things I tried to bring to the attention of the chairman of the committee a few moments ago—

any unpaid charges outstanding against such lands shall constitute a first lien thereon, which shall be recited in any patent or instrument issued for such lands.

I want the members of this subcommittee of the Appropriations Committee to bear in mind the fact that we have charged off on reclamation projects a large sum of money, and it is going to be necessary for this committee to do something toward charging off, for the same reasons, charges placed against these allotted lands of Indians. Who is going to do this unless this committee becomes cognizant of the fact that such conditions exist, and I hope when Mr. Meritt comes before this committee the next time you will ask him some questions along this line, because, surely, you do not want these lands burdened with these excess costs.

Some of these irrigation projects were constructed 15, 20, and 30 years ago, the woodwork has rotted, the ditches have filled up with sand, and water has not been through them for a generation. The lands that have been allotted to these Indians scattered over the project have never received water and the charges accumulated by this construction work are still pending against the lands.

I hope something will be done, and I am speaking of this to-day so that it will be brought to the attention of the officials of the Bureau of Indian Affairs.

Mr. CRAMTON. Will the gentleman yield?

Mr. ARENTZ. Gladly; yes.

Mr. CRAMTON. I am well satisfied there is a great deal in what the gentleman from Nevada is saying, and that there are places where some adjustments are very desirable. Of course, the gentleman realizes the danger that is always encountered when we start in to clean up a thing of this kind. It gets to be that everybody thinks they are entitled to an adjustment, and because you give it to A, for instance, B, C, D, and E are all on the job.

Mr. ARENTZ. A, B, C, D, and E, my friends, should all be heard. Every one of them should at least be heard.

Mr. CRAMTON. Yes; but just because A is given an adjustment, it does not follow that B is entitled to one. If this matter could be taken up and checked up carefully and the right thing done in each case standing on its own merits, it would be fine; but if we were to bring together a bill that would be a kind of pork-barrel adjustment, of course, that would be undesirable. I would be pleased to see a study made of the subject so that the desirable cases may be taken care of.

Mr. ARENTZ. And that is just exactly why I am bringing it to the gentleman's attention, so that justice will be rendered in each individual case and a study made of each individual case. Surely by suggesting an adjustment on the Walker River Indian Reservation, I am not suggesting you should include other reservations where such an adjustment is not necessary, and I hope the gentleman will bear this in mind when the time comes, and I hope that time may come soon and that an adjustment will be made so we can bring in the Indians from Inyo County, Calif., who have the money and would buy these allotments and settle this land.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To reimburse R. E. Hansen for destruction of crops, \$2,480.65, payable out of funds received from the sale of stored water in the Blackfoot Reservoir, Fort Hall Irrigation project, Idaho, as authorized by the act of May 29, 1928 (45 Stat. pt. 2, p. 327).

Mr. CRAMTON. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 32, after line 16, insert a new paragraph, as follows:

"For the purpose of carrying out the provisions of the act approved May 29, 1928 (45 Stat. 938), to provide reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of drainage districts that may be benefited by drainage works of such districts, \$114,000, reimbursable as provided for and subject to the provisions and conditions of such act."

Mr. CRAMTON. Mr. Chairman, I will only state that this is to carry out a recent act of Congress and is in accordance with a supplemental estimate that has just come to the Congress and was not before us when we made up the bill.

I ask unanimous consent to extend my remarks by putting in the RECORD a paragraph from the Budget statement in reference to it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

The act of May 29, 1928, authorized the Secretary of the Interior to enter into an agreement with drainage districts in Idaho for the drainage and reclamation of certain Kootenai Indian allotments at a cost of not exceeding \$114,000. It is believed the act intended to provide for the completion of the drainage work at a relatively early date, with the cost of the work to be covered by an advance of funds from the Treasury, such advance of funds to be repaid to the Treasury from proceeds of leases in not less than 20 annual installments. The Budget for 1930 contains an estimate of \$5,700, representing one-twentieth of the estimated cost of the work, which was submitted by the Department of the Interior in the thought that the act provided for the advance of funds, as well as for their repayment, in not less than 20 annual installments. The estimate of \$108,300 now submitted by the department, together with the \$5,700 carried in the 1930 Budget, is recommended by the department in order to provide the necessary amount to be advanced to the drainage districts for the early completion of the work as contemplated by the above-cited act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

EDUCATION

For the support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, \$2,850,000: *Provided*, That not to exceed \$10,000 of this appropriation may be used for the support and education of deaf and dumb or blind or mentally deficient Indian children: *Provided further*, That \$3,500 of this appropriation may be used for the education and civilization of the Alabama and Coushatta Indians in Texas: *Provided further*, That hereafter all reservation and nonreservation boarding schools with an average attendance in any year of less than 45 and 80 pupils, respectively, shall be discontinued on or before the beginning of the ensuing fiscal year. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided further*, That hereafter all day schools with an average attendance in any year of less than eight shall be discontinued on or before the beginning of the ensuing fiscal year: *Provided further*, That hereafter all moneys appropriated for any school discontinued pursuant to this act or for other cause shall be returned immediately to the Treasury of the United States: *Provided further*, That not more than \$400,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16), for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient: *Provided further*, That not less than \$6,500 of the amount herein appropriated shall be available only for purchase of library books.

Mr. BLANTON. Mr. Chairman, I make the point of order against the following words in this paragraph: In line 17, page 38, against the word "hereafter." On page 39, line 1, against the word "hereafter." On the same page, line 4, against the word "hereafter." On the same page, line 11, against the following language: "But formal contract shall not be required for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16) for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf, dumb, blind, or mentally deficient," all of the above being a change of existing law unauthorized on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, the word "hereafter" where it occurs several times in this paragraph is, of course, subject to a point of order. It really is not very material whether the word goes out or remains in. The language putting a limitation on the continuation of certain schools requiring schools to be closed when less than a certain number of pupils are present has been carried in the bill ever since I have had anything to do with it, and I do not know how long before. By reason of that fact the Budget recommended this change that the gentleman objects to. I admit the point of order is good against the words "hereafter," and if the gentleman cares to insist upon the point of order I do not appeal to him to withdraw it.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. I was trying to keep the committee consistent. A while ago there was a very salutary amendment offered that prevented accounts from being filed against the Government, 3, 4, 5, or 10 years after the amounts had been expended. I offered an amendment and the chairman of the committee acceded to it, but the point of order was made, and the point of order was sustained. I am trying to keep the committee consistent. You have to carry the language every year when you can stop it by inserting the word "hereafter." I want the committee to be consistent.

Mr. CRAMTON. The committee has been consistent—

Mr. BLANTON. I mean the Committee of the Whole House on the state of the Union.

Mr. CRAMTON. I want the gentleman to distinguish carefully between the two.

Mr. BLANTON. I meant the Committee of the Whole House on the state of the Union as distinguished from the committee that handles the bill.

Mr. CRAMTON. The committee in charge of the bill has been consistent, and we favored the elimination of the language for two reasons. First, we think it is desirable, although not enough of importance to press it, to save a little in the cost of printing the bill; and then there is the other fact that when you have long paragraphs with a lot of provisos in the bill, repeated year after year, there is less likelihood of giving attention to other provisions. But it is subject to the point of order, and if the gentleman from Texas sees fit to join with the gentleman from South Carolina, who made the point of order, against his amendment, I do not appeal to him to withdraw it.

Mr. BLANTON. I will have to insist on it.

The CHAIRMAN. The Chair understands that the gentleman from Texas directs his point of order to the word "hereafter" where it occurs in the paragraph, page 38, line 17, page 39, line 1, and page 39, line 4, the point of order being directed against the word "hereafter." That word will be stricken out and the point of order sustained.

Mr. CRAMTON. Mr. Chairman, as for the other point of order, that language has also been carried for some time, and in the hearings will be found a statement from the Assistant Commissioner of Indian Affairs pointing out that better contracts are secured, and why, doing business with these public schools and other public agencies, it is desirable to free them from that provision of the statute. It is subject to the point of order. Personally, I hope the gentleman from Texas will not make the point of order, but if he insists upon it, I admit that it is good.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The gentleman is aware of the fact that the House has a very active legislative Committee on Indian Affairs and a very active chairman who works his members nearly to death all of the time keeping up with the business. Whenever the gentleman from Michigan wants a change of legislation affecting Indian affairs, I suggest that he take the matter up with our distinguished chairman of the Committee on Indian Affairs. I am sure that he can get the proper legislation and will not be compelled to have the Committee on Appropriations seek to take away all of the duties of the Indian Affairs Committee.

Mr. CRAMTON. If the gentleman will yield, I think this language referred to, although I can not speak positively, is language that the Committee on Appropriations inherited from the Committee on Indian Affairs when that committee had legislative jurisdiction. I think this proviso has been carried for probably 10 years.

Mr. BLANTON. But it does seek to change existing law.

Mr. CRAMTON. Yes.

Mr. BLANTON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. How much of the language does the gentleman include in his point of order?

Mr. BLANTON. I make the point of order only to that language which seeks to change the law, beginning in line 11, page 39, with the words "but formal contracts shall not be required," and ending with the word "deficient" in line 16.

The CHAIRMAN. It stops at the colon.

Mr. BLANTON. Yes.

The CHAIRMAN. The gentleman from Texas makes the point of order against the language occurring on page 39, in lines 11 to 16, inclusive—

but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C., p. 1310, sec. 16), for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient:

The point of order is sustained. That language will be stricken from the bill. The Clerk will read.

The Clerk read as follows:

For lease, purchase, repair, and improvement of school buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$275,000; for construction of physical improvements, \$275,000; in all, \$550,000: *Provided*, That not more than \$7,500 out of this appropriation shall be expended for new construction at any one school or institution except for new construction authorized as follows: Chimopovy day school, Hopi Reservation, Ariz.: For new schoolhouse, dining hall, kitchen, wash room, and toilet, \$7,500; for electric-light plant, \$1,000; in all, \$8,500; Hoopa Valley school, California: For remodeling and improving girls' and boys' dormitories, \$10,000; Choctaws in Mississippi: For day-school plant, \$10,000; Kiowa (Fort Sill) school, Oklahoma: For additions to girls' and boys' dormitories, including heating, toilets, and baths, \$15,000; Cheyenne and Arapahoe school, Oklahoma: For enlarging girls' and boys' dormitories, including equipment, \$21,500; Uintah boarding school, Utah: For dining hall and equipment, \$15,000; Tulalip boarding school, Washington: For new dining hall and kitchen, including equipment, \$13,500; Western Navajo boarding school, Arizona: For construction and equipment of a boys' dormitory, central heating plant, and mess hall, \$125,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 42, line 5, after the figures "\$10,000" insert:

"Ignacio Boarding School, Colorado: For enlargement, including equipment, \$90,000."

Mr. TAYLOR of Colorado. Mr. Chairman, this is in accordance with the supplemental estimate that was sent up by President Coolidge yesterday after we had written up the bill. The hearings at pages 1005 to 1010 described this matter fully. In connection with it I ask unanimous consent to extend my remarks by inserting the President's statement. This appropriation is for a new school building and auditorium and for a girls' dormitory at the Ignacio Indian school in my district in southern Colorado. I am providing for doubling the capacity of that school.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The statement of the Budget Bureau follows:

THE WHITE HOUSE,
Washington, December 12, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year 1930, amounting to \$198,300.

The details of the estimates, the necessity therefor, and the reasons for their submission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, December 12, 1928.

SIR: I have the honor to submit herewith for your consideration supplemental estimates of appropriations for the Department of the Interior, Bureau of Indian Affairs, for the fiscal year 1930, as follows:

Reclamation of Kootenai Indian allotments, Idaho (reimbursable): For the purpose of carrying out the provisions of the act approved May 29, 1928 (45 Stat., p. 938), to provide reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of drainage districts that may be benefited by drainage works of such districts, \$108,300, reimbursable as provided for and subject to provisions and conditions of said act (act May 29, 1928, vol. 45, p. 938).....

\$108,300

The act of May 29, 1928, authorized the Secretary of the Interior to enter into an agreement with drainage districts in Idaho for the drainage and reclamation of certain Kootenai Indian allotments at a cost of not exceeding \$114,000. It is believed the act intended to provide for the completion of the drainage work at a relatively early date, with the cost of the work to be covered by an advance of funds from the Treasury, such advance of funds to be repaid to the Treasury from proceeds of leases in not less than 20 annual installments. The Budget for 1930 contains an estimate of \$5,700, representing one-twentieth of the estimated cost of the work, which was submitted by the Department of the Interior in the thought that the act provided for the advance of funds, as well as for their repayment, in not less than 20 annual installments. The estimate of \$108,300 now submitted by the department, together with the \$5,700 carried in the 1930 Budget, is recommended by the department in order to provide the necessary amount to be advanced to the drainage districts for the early completion of the work as contemplated by the above-cited act.

Enlargement, Ignacio School, Colorado: For enlargement of the Ignacio Boarding School, Colorado.....

90,000

The Indian boarding school at Ignacio, Colo., near the border of the Navajo Reservation, accommodates 100 Navajo boys. With existing boarding-school facilities on the Navajo Reservation fully utilized, and with a considerable number of Navajo children unprovided with school accommodations, the Secretary of the Interior recommends an enlargement of the Ignacio School to accommodate 100 Navajo girls. The school is conveniently located for such pupils, possesses ample grounds for the additional buildings required, and has an excellent water supply. It is believed that accommodation for these girls can be secured at a lower cost through the enlargement of the Ignacio School than by building on a new location elsewhere. This estimate would provide for a girls' dormitory at a cost of \$40,000 and for a new school building at a cost of \$50,000.

Total..... 198,300

The foregoing estimates of appropriations are to meet contingencies which arose since the preparation of the 1930 Budget, and their approval is recommended.

Very respectfully,

R. O. KLOEBER,
Acting Director of the Bureau of the Budget.

The PRESIDENT.

Supplemental estimates of appropriations required for the service of the fiscal year ending June 30, 1930, by the Department of the Interior

BUREAU OF INDIAN AFFAIRS

For the purpose of carrying out the provisions of the act approved May 29, 1928 (45 Stat., p. 938), to provide reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of drainage districts that may be benefited by drainage works of such districts, \$108,300, reimbursable as provided for and subject to provisions and conditions of said act (act May 29, 1928, vol. 45, p. 938).....

\$108,300

Enlargement, Ignacio School, Colorado: For enlargement of the Ignacio boarding school, Colorado (submitted).....

90,000

Total..... 198,300

The Clerk read as follows:

For aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, \$250,000, to be expended in the discretion of the Secretary of the Interior, and under rules and regulations to be prescribed by him: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., p. 708, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. SCHAFER. Mr. Chairman, I make the point of order against the proviso beginning in line 24, page 49, and ending with line 4 on page 50. It is legislation unauthorized on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, the proviso in question if stricken out will not affect the Treasury. There will be no money saved to the Treasury by striking out the proviso. It is subject to a point of order. Of course, there would be no occasion to put it in if it did not change the existing law. To what extent it is desirable to carry the proviso or to eliminate it I do not know. Nevertheless, I urge the gentleman not to make the point of order for this reason. There are two paragraphs in the bill that provide for the payment of tuition of Indian students in public schools. There is one which I think has already been read. That applies elsewhere than among the Five Civilized Tribes. The one now before us applies only to the Five Civilized Tribes. The rates of tuition paid out of this item are far lower apparently than the rates of tuition paid out of the other item. There has been some unrest about that in the State of Oklahoma. Our committee gave some consideration to that. Because 40 cents a day is paid in one place it does not mean that 40 cents a day is necessarily a fair rate in Oklahoma. It depends upon how many children in the district go to school and what the expense of education is in that locality. Just the fact that 40 cents is being paid in some other States and 10 or 15 cents is being paid in Oklahoma does not mean that the Oklahoma rate is unfair. Still our committee did not have before us all of the information that we would like to have before passing finally on that question. We went into the question very carefully and considered such information as was before us. As a result of that information we recommended an increase in this item from \$150,000, as it was last year, to \$250,000. That is an increase of \$100,000 in this item above the current year, and \$75,000 above the Budget estimate. That action of our committee was as far as we felt justified in going in the light of present information.

I may say we felt perfectly safe in going that far, but before going further, and how much further, we wanted more information. It is the purpose of the committee, and I want this of record, to make a real study of this problem of tuition for Indian children in Oklahoma during the coming year, so that when another bill comes in we may be in a position to say definitely what we ought to do.

Mr. SCHAFER. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. SCHAFER. Should not the legislative committee of the House handling Indian affairs make an inspection and bring forth legislation in regard to this matter if it may be required?

Mr. CRAMTON. If there is legislation required, that would be a question for the legislative committee. The bulk of the questions hereafter would not be of a legislative character and would be purely within our jurisdiction. Now, the questions that will come into that—and we work very closely in connection with the legislative committee—but the questions that will come into that, one of them is, How many children are now having their tuition paid for that ought not to be paid? How many of less than one-fourth Indian blood are the occasion of tuition, and what are the conditions to-day; and is it better to let those conditions stand now rather than change the situation? As for myself, I would rather let it stand until the Indian Affairs Committee or my committee have definite knowledge. There are

other questions, and one of them is, How many children are we paying tuition for who are not restricted Indians? If they are not restricted the lands they own, generally speaking, are subject to taxation. In Oklahoma they say there is a little complication even in that; but, generally speaking, the unrestricted Indian is subject to taxation, and hence there does not obtain the same reason for paying tuition as otherwise. Another question for consideration would be the amount of taxes that are to go to the State or its subdivisions as a result of oil leases of the Indians.

The restriction bill which just passed provided that certain leases should have the proceeds taxed, and so forth. Now, this is a matter of great importance to Oklahoma, and it ought to be settled fairly and squarely, and that can only be done by carefully developing the facts, and hence I urge the gentleman not just suddenly here to change the situation that has obtained for several years and let the matter go along for another year.

Mr. SCHAFER. In reserving the right to object, I just wanted to hear from some of the Members from Oklahoma as to whether or not in their judgment this proviso was proper.

Mr. HASTINGS. In answer to the gentleman from Wisconsin, whom I thank for permission to answer, let me say this in addition to what the gentleman from Michigan has so well said in reference to this item of appropriation. This provision is put in for the reason that we realize the situation is different from that of other Indian tribes in other States where a certain degree of blood makes the lands of Indians exempt from taxation. Now that is not correct in Oklahoma. Now permit me to say that the homesteads of Indians in the Cherokee Nation and the Seminole Nation, regardless of the degree of blood, regardless of whether restricted or unrestricted, are nontaxable. Now, Congress, by the act of May 27, 1908, attempted to make these homesteads taxable. The question went to the Supreme Court and the Supreme Court held that action on the part of Congress was unconstitutional and invalid. Now let me appeal to the gentleman from Wisconsin by further saying there are 16,000 Indian pupils in the public schools in Oklahoma. An appropriation has been made in aid of public schools in lieu of taxes not collected from lands exempt from taxes for a number of years. Under former appropriations the Government is only able to pay about 10 cents a day per pupil. The gentleman from Michigan well said the amount paid in other States is 40 cents a day. Now, the committee recognized that was an inequality. And the committee gave careful study to this question for the purpose of trying to do justice to the State of Oklahoma and be fair to the Indian pupils from other States. The record shows in excess of 16,000 Indian children in public schools in Oklahoma, some of whom are restricted and some are unrestricted, and the record further shows 7,900 restricted Indian children eligible to attend these public schools, and that there are actually 5,798 restricted Indian children in the rural public schools.

Now, as the gentleman from Michigan has said, if this proviso is knocked out it will not protect the Treasury; that is, it does not reduce the appropriation, because the amount will be expended anyway. The reason why I am appealing to the gentleman from Wisconsin to withdraw his point of order is that this appropriation is to supplement other funds of public schools in lieu of taxes not collected from lands exempt from taxation. The homesteads in the Cherokee and Seminole Nations are exempt under the law from taxation, regardless of the degree of blood. This item is very important to my State of Oklahoma.

Mr. CRAMTON. This item really originated with the Committee on Indian Affairs in connection with recent legislation for the extension of the restrictive period. Our action followed in consequence of the discussion in the Committee on Indian Affairs.

The CHAIRMAN. The Chair feels that he has sufficient information on the subject.

Mr. SCHAFER. Mr. Chairman, I withdraw the point of order, in view of the fact that the Committee on Appropriations takes the responsibility for the legislation.

Mr. BLANTON. Mr. Chairman, if this language remains in the bill, there is just one more restriction taken out of the law that Congress has placed around expenditures for the protection of the people's Treasury. I am not surprised that my friend from Wisconsin [Mr. SCHAFER] should be overwhelmed with the chairman firing at him from one side and his able lieutenant on this side of the Hall coming at him in the rear. I am not surprised at him; but I know of no other way to stop increasing appropriations than by retaining the restrictions that Congress places around expenditures.

This bill carries \$283,000,000 plus. That is over \$10,000,000 more than last year's bill carried. Yet last year's appropriation carried many million dollars more than the preceding bill, and so on back. Yet the members of the committee have already added to this bill from the floor \$114,000 in one instance and \$78,000 in another instance and \$90,000 in still another instance, and in his hip pocket the chairman has an amendment, which he will offer pretty soon, to add another \$250,000 to the bill. Now, if we do away with all of these restrictions, God knows what will become of the Treasury. Therefore I am going to make the point of order.

Mr. HOWARD of Oklahoma. Will not the gentleman withhold his point of order? He is not protecting the Treasury in this.

Mr. BLANTON. It removes a safeguard in behalf of the Treasury. I will not be blown hither and thither by arguments that can always be submitted by members of the committee in support of an item.

Mr. HOWARD of Oklahoma. In making this point of order the gentleman is not protecting the Treasury at all. He is bringing about a situation in Oklahoma where some school districts containing full-blood Indians will be paid for, while other school districts in the outskirts, having in them Indians of less than one-fourth blood, as homesteaders are exempt from taxation and will have no benefit from this appropriation. The gentleman is in no way helping the Government or limiting the amount of appropriations to be made by making this point of order, but is bringing a hardship on certain school districts in the State of Oklahoma that have the right to share in this appropriation by reason of the conditions that exist.

Mr. HASTINGS. I appeal to the gentleman from Texas to withhold for just one minute.

Mr. BLANTON. I am going to make the point of order.

The CHAIRMAN. Is the point of order made or is it reserved?

Mr. BLANTON. I have reserved it.

Mr. HASTINGS. I believe if I can have the gentleman's attention that he will withdraw his point of order. This is in aid of the common schools of Oklahoma in lieu of tax-exempt lands. The homesteads of the Cherokees, regardless of the quantum of Indian blood, are exempt from taxation by act of Congress; an act which the Congress has tried to repeal, and which the Supreme Court has held to be unconstitutional. But Congress itself did that, and the same is true as to the Seminoles. One may be only one-one hundred and twenty-eighth degree of Cherokee blood, and yet that homestead is not taxable. I am sure if the gentleman from Texas fully understood the provisions of these two agreements and knew what they were intended to cure—and this is not a new provision—

Mr. BLANTON. Here, with a bill carrying \$283,000,000, we have only 60 Members attending here. That condition exists because the Committee on Appropriations has taken over the functions of the entire Congress and the Members will not stay any more. What good can they do if this committee is to do all the legislating?

The bills are all cut and dried. I am a member of the Committee on Indian Affairs. I will vote for the gentleman's amendment in the next meeting.

Mr. HASTINGS. This language is not new. It was carried last year and has been carried for a number of years past.

Mr. BLANTON. We just try to hold the gentleman and his committee to appropriation matters so that the legislative committees may function. You are going to have all the legislative committees dying of inactivity if you do not leave something for them to do.

Mr. HASTINGS. If the gentleman understood the conditions, he would not take the attitude he takes. This is intended to correct, as I have tried to explain, the situation and it does correct the situation in Oklahoma. I ask the gentleman to withdraw his point of order until next year.

Mr. BLANTON. I make the point of order now. I will not make it next year.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] makes a point of order against the proviso in the item on page 49, line 24, on the ground that it is legislation on an appropriation bill. The Chair sustains the point of order. The Clerk will read.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. O'CONNELL. Mr. Chairman, I want to ask the chairman of the subcommittee, who is very gracious, very patient, and always willing to give information, about this item on page 48, lines 21, 22, and 23. The gentleman from Oklahoma just

said there are 16,000 pupils in the schools provided for in this section of the bill.

Mr. HASTINGS. No; that provision begins with line 19, page 49.

Mr. O'CONNELL. Well, we are appropriating \$3,850,000 in all for the schools hereinbefore enumerated in the bill, and it is provided that not less than \$6,000 of this amount shall be available for library books. I want to ascertain how the committee reaches that particular figure and what kind of a library these schools can get for that amount of money?

Mr. CRAMTON. The item of \$3,850,000 is the total for all the nonreservation boarding schools. I think there are 19 of them. As I have visited those schools I have been impressed by the lack of library facilities in many of the Indian schools, day schools, reservation boarding schools, and nonreservation boarding schools. Particularly, I had in mind the kind of books that children would like to read, and I found that at schools in which they did have a supply of books that the modern child cares to read the Indians made a great deal of use of them. So I made the suggestion to the Indian Service that we would like to apply some of this money to that purpose.

Mr. O'CONNELL. It is not limited to \$6,000, though, is it?

Mr. CRAMTON. No. We provide that not less than \$6,000 out of this item shall be for the purchase of books and not less than \$6,500 is spent from the general education item that was up earlier in the bill. It is the minimum to require them to buy some of these books.

Mr. O'CONNELL. They ought to have reasonably good libraries.

Mr. CRAMTON. This was the amount the Indian Service suggested we put in as the minimum.

Mr. O'CONNELL. I know the chairman has practically been all over these places and knows their needs better than anybody else. I thank the chairman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stat. p. 254), \$310,000, of which amount \$10,000 shall be immediately available.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, my good friend from Texas, for whom I have a great deal of admiration, in his point of order, of course, was seeking to conserve the Treasury of the United States, but my good friend by that action has done a very serious injustice to the people of the State of Oklahoma.

Seminole County and the Seminole Nation, where part of this money goes to reimburse them for their expenditures on schools, is pouring from 450,000 to 500,000 barrels of oil every day from sunrise to sundown, and from that property revenue comes into the Treasury of the United States to the extent of millions of dollars. The full-blood Indians or restricted Indians whose lands are being developed, pay no part of the tax and no part of the oil tax. Worse than that, the oil companies which take the oil out of the ground, under the claim of being instrumentalities of the United States, pay no tax. Yet the Indians' white neighbors in Oklahoma have to pay a tax. They are glad to have the Indian children in their schools. They are delighted to have them, and it has been proven beyond question that the greatest advancement made by Indian children is when you put them in the white schools. The full-blood Indian is a little reticent and backward. He does not push himself, but when you put him in competition with the children of his neighbors, when he goes to the same school and learns the English language, he makes advancement. And you do him a great injustice when you create a prejudice against the Indian in his white neighbor, because his white neighbor has to pay taxes on his horses and on his land, while the Indian who is wealthy in land and oil pays no tax. Yet the Indian children, whose parents pay no taxes, go to the same schools attended by white children whose parents do pay taxes.

Magnificent paved roads are being built throughout that county and they are being built alongside of restricted homesteads which pay no taxes. So I say to you, my friend, this is a just provision. It does, in a way, reimburse and give back to the State of Oklahoma and to the taxpayers of the State of Oklahoma a certain amount which they put up.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. TAYLOR of Colorado. I call the gentleman's attention to the fact that we are only paying for the per diem teaching and education of children in Oklahoma about 10 cents a day, while in all the other States we are paying from 30 cents to 40 cents a day for the education of these children. So Oklahoma and the taxpayers of Oklahoma are getting the worst of this thing, and we are trying to put it in shape so that they will be treated fairly. That is the purpose of it.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. I want to call the committee's attention to the fact that a survey made by the Bureau of Education of the Department of the Interior disclosed that in 1924, if a school tax in Oklahoma had been collected against nontaxable Indian lands, that Oklahoma would have collected \$1,200,000 that year, and this only calls for \$250,000.

Mr. McKEOWN. I am not criticizing my good friend from Texas, because he and I have been good friends since we entered Congress together, but I am taking these few minutes to show him the justice of this proposition, because he is a pretty reasonable fellow. I just wanted to show him that he is doing my State and the people of my State a great injustice, no doubt unintentionally, but he is really doing my State a great injustice.

In my State where we pay these taxes we do not want any ill feeling between the Indians and the white citizens. We do not want the white man to feel that the Indian is getting the best of it. We want good feeling between them, and we want these children to go to the schools.

Mr. BLANTON. Will the gentleman yield?

Mr. McKEOWN. I yield to the gentleman.

Mr. BLANTON. Does not the gentleman remember a few years ago when he stood on the floor of the House here with tears in his eyes and asked this committee to appropriate the small amount of \$500 for something that every Member of the Congress wanted to give, and yet this hard-boiled committee said, "No; that is legislation and we will not let you put it in the bill." Does not the gentleman feel that the committee ought to be held to its own rulings and ought to be held to dealing with appropriations and not with legislative matters? This is what I have in mind.

Mr. McKEOWN. I agree with the gentleman relative to the procedure, but one wrong does not justify another wrong.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For aid of the public schools in Uintah and Duchesne County school districts, Utah, \$6,000, to be paid from the tribal funds of the Confederate Bands of Ute Indians and to be expended under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

I want to ask the chairman of the subcommittee a question. I have been receiving quite a number of letters from those who are interested in the education of Indian children, and one society writes me that 11 cents a day only is allowed for food for the Indian children, and the writer further states if it is the purpose of the Government to starve these children in the schools it would be far better to close the schools and let the children die of natural starvation. It seems to me that in the interest of the public this matter should be cleared, and I do not know of anyone who is better able to make an explanation of the situation than the gentleman in charge of the bill.

Mr. CRAMTON. Mr. Chairman, in view of the gentleman's question, I am sure he would be interested in my statement on Tuesday when I presented this bill to the House, and when I devoted some time to charges and misrepresentations of the character the gentleman has referred to, and particularly my statement on page 433 of the RECORD.

The gentleman will find that I referred to this particular misrepresentation, namely, that we are starving the children in the schools and that the average per capita cost per day is 11 cents for food. That statement is absolutely unfounded and untrue. The amount is 24.7 cents.

As a matter of fact, no Indian children are starving in our public schools; as a matter of fact, no Indian children have been suffering from lack of sufficient food in our schools; as a matter of fact, further, no Indian children have been suffering from an undesirable character of food being given to them.

We have made provision for them and in a great many cases they are one hundred times better off in the schools than they

are where they are at home. Many cases that I have seen in the schools of Indian children suffering from malnutrition have been because the children have not long been in the school. As a matter of fact, we not only provide for them in the boarding schools but in many cases where day schools are conducted we provide for a hearty meal at noon, so that these children coming from homes where the food supply is limited and uncertain, get at least this one meal a day at the school.

Mr. WATSON. I thank the gentleman for such a forceful and correct statement as far as this matter is concerned, and I shall therefore send the gentleman's statement to my inquirer and I am quite sure he will be fully satisfied with it.

Mr. CRAMTON. I thank the gentleman.

Mr. KNUTSON. Mr. Chairman, will the gentleman state to the House what organization it is that is putting out all this false propaganda with reference to the care of the Indians?

Mr. WATSON. I have no objection to stating that this comes from the Indian Rights Association, Philadelphia, Pa.

Mr. CRAMTON. I will say to the gentleman from Minnesota that that statement appears to have originated, or at least has been given its widest currency, by the report of the Bureau of Governmental Research which has recently completed a desirable survey of the situation, and in many respects has performed an excellent work; but they did do a great injustice to their Government when they gave currency to that particular statement.

I am reminded by my colleague that this amount of 24.7 cents does not include any allowance for interest on the investment in our plant, machinery, stock, and all similar things.

Mr. WATSON. I have received quite a number of letters relative to the same subject, probably from members of this association, and I am grateful to the chairman of the committee for clearly explaining the matter.

Mr. CRAMTON. In my statement of Tuesday the gentleman will find further details in respect of the matter.

The pro forma amendment was withdrawn.

The Clerk read as follows:

CONSERVATION OF HEALTH

For conservation of health among Indians (except at boarding schools supported from specific appropriations other than those named herein), including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees, and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; not exceeding \$3,000 for expenses (not membership fees) of physicians and nurses when officially detailed, in the interest of health work among the Indians, to attend meetings of medical and health associations; and not exceeding \$1,000 for circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, \$2,646,600, including not to exceed the sum of \$1,508,100 for the following-named hospitals and sanatoria.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. I want to call the attention of the House to the fact that in this item the Appropriation Committee has increased by \$1,206,600 the item for general relief and hospitalization, under the head of the conservation of health among the Indians, making the total \$2,646,600.

That is in response to a thorough study made in the field by members of the committee under the leadership of the gentleman from Michigan [Mr. CRAMTON], and conforms closely to the opinion, I believe, of everyone who has made any study of Indian affairs—that the amount spent for health work has been inadequate and that constructive study would inevitably lead to a great increase in the appropriation.

It is proper for me to say that the study of the subcommittee has gone on in cooperation with the legislative Committee on Indian Affairs and those in authority in the Indian Bureau. And I am sure we shall certainly find that a similar increase is justified in connection with the appropriation for the industrial work among the Indians, teaching them ways of becoming self-supporting, and in addition there will prove to be a similar increase needed in the matter of education. I call this to the attention of the House that this committee has responded so well to the demonstrated need of increased appropriations for health work by almost doubling the appropriation available to meet the needs of the Indians.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Nevada: Carson Hospital, \$18,100; Pyramid Lake Sanatorium, \$28,000.

Mr. ARENTZ. Mr. Chairman, I rise again to call attention of the committee to another situation that I think deserves consideration. The Walker River Indian Reservation has a resi-

dent doctor located 28 miles away at Yerington. He lives there because there is no accommodation at the reservation for him. Strange as it may seem, after all these years that this reservation has been in existence, there is neither living quarters, an office, nor first-aid facilities for this doctor, who is primarily employed by the Government for the care of the Indians of this region. There is no place where first aid can be given or where a sick or injured Indian can be examined and placed upon a cot for attention or comfort. If an Indian working on the reservation happens to be hurt in any way, he is given such aid as possible without hygienic conditions and then carted off to a city 28 miles away where there is a hospital.

I am bringing this to your attention, gentlemen of the committee, for the purpose of acquainting you with the facts, and the Government officials as well, for I know how thoroughly read the Record is by officials of the Government. I am making this statement to-day with the hope that it will come under the scrutiny of the Commissioner of Indian Affairs and such officials in his bureau as have this in charge and whom I know have the welfare of the Indian at heart.

Mr. CRAMTON. Will the gentleman yield?

Mr. ARENTZ. Certainly.

Mr. CRAMTON. May I ask the gentleman if he has called the need of this matter to the attention of the Indian Office?

Mr. ARENTZ. Not this year, I have not; but it has been brought to the attention of the Indian Service many times. They have been out there many times. I trust that this will be sufficient to direct their attention to this vitally important thing, a humanitarian thing, something which certainly should be taken care of at the first opportunity, and I trust will be taken care of before this bill is enacted into law.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For construction of an addition to the hospital building, including refrigerating and other equipment; for employees' quarters; and for general repairs and improvements at the Kiowa Hospital, Lawton, Okla., \$60,000, payable from funds on deposit in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians of Oklahoma.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 54, line 21, after the figures "\$60,000," strike out the remainder of line 21 and all of lines 22 and 23 and insert in lieu thereof the following: "Out of the Federal Treasury."

Mr. BANKHEAD. Mr. Chairman, I reserve the point of order on that amendment. I do not know that I shall make the point of order, but I do this to inquire of the gentleman if such an amendment as that is authorized by law under the Indian statute?

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, I have offered this amendment for the purpose of protecting the rights of the Indians of my district whom I have the honor to represent. The purpose of the pending amendment is evident upon the face of it. I simply propose, gentlemen of the committee, that this item of \$60,000, which you propose to take out of the tribal funds of these Indians for the improvement of the Kiowa Hospital at Fort Sill, Okla., be paid out of the Federal Treasury instead.

The CHAIRMAN. Let the Chair make this statement: The Clerk had read a little further than the paragraph which the gentleman from Oklahoma seeks to amend; in fact, he had read the succeeding paragraph; but the gentleman from Oklahoma was on his feet, and the Chair therefore recognizes him for the purpose of offering the amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the purpose of the amendment, as I started to say, is to pay out of the Federal Treasury the sum of \$60,000 for improvements to the Kiowa hospital at Lawton rather than to have it paid out of the tribal funds. I understand that the policy of the committee is to pay out of the tribal funds for all such improvements where the Indians are wealthy or are able to pay.

Permit me to say in this connection, Mr. Chairman, that these Indians do not have the wealth they are sometimes pictured. In fact, they are poor as compared with many other tribes over the country and it just seems to me a bit unfair to say to them that they must pay for this much-needed improvement for the purpose of caring for the many unfortunate Indians who are suffering at this time from ill health.

Mr. BANKHEAD. Mr. Chairman, if the gentleman will permit, I have no particular interest in this matter, but I thought it was rather an unusual procedure. I desire merely to ask the chairman of the committee if it meets with the approval of the committee from the standpoint of the validity of the amendment under the rules of the House.

The CHAIRMAN. The Chair understands the gentleman from Alabama reserved the point of order before the discussion began?

Mr. BANKHEAD. Yes.

Mr. CRAMTON. Mr. Chairman, if the gentleman from Oklahoma will yield, I am not sure that the amendment is properly drafted, but in so far as the authority is concerned to spend the money out of the Federal Treasury to build the hospitals, such an amendment is in order. The committee is not in accord with the amendment, but in my judgment it is not subject to the point of order.

Mr. BANKHEAD. Mr. Chairman, under that statement I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Oklahoma will proceed.

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, these tribes are not rich Indians. There are something like 4,000 of them on the reservation, and they have at this time considerably less than \$1,000,000 to their credit. The item here is a desirable one, and I am very much in favor of it. The fact is, at the first session of the Seventieth Congress I introduced a special bill proposing to authorize the sum of \$390,000 for this Indian hospital. This I did upon the request of many of the Indians and others interested in their welfare; so the item of \$60,000 does not begin to take care of their immediate needs, in my opinion. The enlargement of their hospital is not only desirable but, if given them, will fill a pressing need.

It just occurs to me that my distinguished and very able colleague from Michigan [Mr. CRAMTON] has changed his policy somewhat with reference to these Indians. Last winter I secured the passage through this House of a most meritorious measure authorizing a small appropriation for a dormitory for the Riverside Indian School, which affects the same tribes of Indians. Permit me to suggest, gentlemen, that a hospital is just as meritorious, just as desirable as a dormitory. At that time the question was not raised concerning the money for school improvements being paid out of tribal funds, yet these Indians have less cash to their credit in the Treasury now than they had a year ago.

I know the Indians are much opposed to this raid on their sacred funds. I have to-day received a number of telegrams from some of their leaders over the reservation protesting against it. I believe in all fairness the amendment ought to be adopted, and I submit that it is the duty of the Government to take care of the health of our Indians, and that they should not be required to pay this item out of their tribal funds.

Permit me to add further that these funds are vanishing, and it will be only a few years before they will not have any money left at all and the Indians will be stranded if this policy is pursued. I urge you to accept the amendment and pay this out of the Federal Treasury, as our Government is doing in many other instances.

I desire to again impress on you, gentlemen, that the Kiowas, Comanches, and Apaches are not numbered among the wealthiest tribes of our State. I have been among these Indians. I know them personally, and I will say to you I feel that if you could see them in their poverty as I have, visit in their homes as I have done on many occasions, see the wonderful improvement they are making, and know their anxiety to have better homes and more desirable living conditions, you would not insist upon taking their money away from them to build hospitals. Unless these Indians' funds are protected there is no question but that their money will soon be entirely gone and they will be wards of charity upon the Government.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. Mr. Chairman, simply because Uncle Sam seems to have been unduly generous with reference to the schools referred to, the gentleman from Oklahoma wants him to be unduly generous with reference to this hospital. The gentleman confirms the need of the hospital. Those Indians have to their tribal account in the Treasury, bearing interest at 4 per cent, \$963,000. If we do not spend that money for some such wise purpose as a hospital, which will be for their exclusive use, and which they are asking for, one of these fine days the gentleman from Oklahoma will be coming in and wanting a per capita payment in cash distributing this \$963,000, and when that has been distributed, those Indians will not have anything except a sore head, and then they will need this hospital for that purpose. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

GENERAL SUPPORT AND ADMINISTRATION

For general support of Indians and administration of Indian property, including pay of employees, \$925,000: *Provided*, That a report shall be made to Congress on the first Monday of December, 1930, by the Superintendent of the Five Civilized Tribes, through the Secretary of the Interior, showing in detail the expenditure of all moneys from this appropriation on behalf of the said Five Civilized Tribes: *Provided further*, That the position of Superintendent of the Five Civilized Tribes is hereby included within the competitive classified civil service and shall be subject to civil service laws and rules.

Mr. BLANTON. Mr. Chairman, I make the point of order—

Mr. BANKHEAD. Mr. Chairman, I reserve a point of order to the last proviso.

Mr. BLANTON. But I want to make the point of order.

Mr. BANKHEAD. No; I reserve it.

Mr. CRAMTON. I hope the gentleman will not make it.

Mr. BLANTON. I will make it, though.

Mr. CRAMTON. I have expressed the hope—

The CHAIRMAN. The gentleman from Texas is not recognized.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman from Alabama has made a reservation of the point of order.

Mr. BANKHEAD. I am assuming there is some good reason for this proviso. I do not want this incoming legislative program stripped of all appointments. I will withdraw the reservation.

Mr. BLANTON. I renew the reservation. I understood the gentleman to withdraw it.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. BLANTON. I did not want to lose the right to reserve the point of order.

The CHAIRMAN. The gentleman from Texas will not lose any right.

Mr. BLANTON. It is a new kind of rule where a man withdraws the reservation that another man can not renew it. I was just undertaking to preserve my right under the rule.

Mr. CRAMTON. As I understand, the gentleman from Texas has reserved the point of order.

Mr. BLANTON. Certainly.

The CHAIRMAN. The gentleman made the point of order.

Mr. BLANTON. I reserved it. I want to know who the gentleman from Michigan has in mind to displace by putting in this legislation?

Mr. CRAMTON. I will be glad to answer the question and I hope then I will have the entire approval of the gentleman from Texas. That position of Superintendent of the Five Civilized Tribes is a position of the highest importance, because those Indians—and there are a great number of them—have a great deal of money and property.

Mr. BLANTON. And it is now held by whom?

Mr. CRAMTON. The position is now vacant. I am not sure if it was the last one, but a recent superintendent was indicted or something of the kind.

Mr. BLANTON. Was he a Republican?

Mr. CRAMTON. He was a Republican—

Mr. BLANTON. I am not surprised.

Mr. CRAMTON. But so far as this committee is concerned we have not made any distinction as to party, as we do not regard that.

Mr. BLANTON. If there is a chance of getting a Democrat through the civil service, I will withdraw the point of order.

Mr. KNUTSON. Does the gentleman think he could get any that will pass?

Mr. BLANTON. Yes; if civil-service rules are observed. I withdraw the reservation of the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Oklahoma: Ponca (Otoe, \$1,200; Ponca, \$2,600; Tonkawa, \$700), \$4,500; Sac and Fox, \$3,000; Kiowa, Comanche, and Apache, \$60,000; Cheyennes and Arapahoes, \$17,100; in all, \$84,600.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 59, in line 23, after the figures "\$84,600," insert "out of the Federal Treasury."

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, the purpose of this amendment simply proposes

for the Federal Government to pay for the upkeep of these Indian agencies rather than take the expense of their operation out of the tribal funds. You will note the Arapahoe and Cheyenne Indians are included, as well as Comanches, Kiowas, Apaches, and other tribes. I will tell you gentlemen, if there are any financially embarrassed Indians in Oklahoma, and there are many, the Arapahoes and Cheyennes are among those tribes. I would like for my good friend, the chairman of the committee, to tell us exactly how much money the Arapahoes and Cheyennes have to their credit, if he knows. I do not have the figures at this time, but I do believe it ought to be the policy of the Federal Government to pay for the upkeep of these agencies rather than call on these Indians, especially in case of those of so moderate circumstances as the 14 tribes who reside in the sixth congressional district in Oklahoma.

Mr. CRAMTON. I will say to the gentleman from Oklahoma that I have not those figures immediately at hand, but there is a tabulation in the hearings that shows the amount of money that there is in the Treasury for each of these tribes. I have not this particular item in mind, and have not that table right at hand, but I would be glad to call it to the attention of the gentleman. Otherwise this item would not have been placed here.

The gentleman will note that the paragraph in question is under the heading of the "General support of Indians and administration of Indian property under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes." Preceding this is the paragraph that has to do with the expenditure from the Treasury for administrative purposes. The gentleman's amendment, providing it shall be paid from the Treasury, will not make any difference. It is in the Treasury, anyway, and the amendment would not accomplish what the gentleman desires. His amendment ought not to prevail, even if it did accomplish what he desires.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For general support, administration of property, and promotion of self-support among the Chippewa Indians in the State of Minnesota, \$65,000, to be paid from the principal sum on deposit to the credit of said Indians, arising under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889 (25 Stat. 645), to be used exclusively for the purposes following: Not exceeding \$50,000 of this amount may be expended for general agency purposes; not exceeding \$15,000 may be expended in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or hereafter become seized or possessed, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior.

Mr. KNUTSON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 61, line 3, strike out "\$65,000" and insert "\$80,000"; in line 10, strike out "\$15,000" and insert "\$30,000."

Mr. KNUTSON. Mr. Chairman, I want to say in support of that amendment that I understood from the remarks of the chairman of this committee last Tuesday that hereafter there would be no more per capita payments made to the Chippewa Indians of Minnesota. If that is to be the policy, it would seem to be only the part of wisdom that we should increase the amount for the support of these indigent Indians to \$30,000. I think that should be done.

Mr. CRAMTON. I would go so far as the gentleman does; I could not say what will be done by the Congress in the future. But I will say that our committee is strongly opposed to per capita payments, and will not recommend them to the House hereafter if there is any way of avoiding it.

Mr. KNUTSON. The gentleman knows that without the recommendation of the gentleman's committee we would never get into the House.

Mr. CRAMTON. I never feel as sure of that as I would like to feel; but the item that the gentleman offers can not do any harm, and it might do a great deal of good. I am very much in sympathy with that provision, under circumstances such as prevail there, to have a provision made to suitably care

for the aged and helpless. If it is not needed, the money will not be expended.

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Certainly.

Mr. SCHAFFER. Does the Director of the Budget approve of this increase?

Mr. KNUTSON. He will when it is called to his attention.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

There is hereby authorized to be expended, out of any money now standing to the credit of the Choctaw and Chickasaw Nations of Indians, or to the credit of either of said nations, in the Treasury of the United States, the sum of not exceeding \$30,000, to be paid, in the discretion of the Secretary of the Interior, to attorneys for said Choctaw and Chickasaw Nations of Indians, or to the attorneys for either of said Indian nations, employed under the authority of the act approved June 7, 1924 (43 Stat. p. 537), the payments to be made in such sums as may be necessary to reimburse said attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Choctaw and Chickasaw Nations of Indians, or of either of said Indian nations, against the United States under the above-mentioned act of June 7, 1924: *Provided, however*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *Provided further*, That any sums allowed and paid under this act to the attorneys shall be reimbursable to the credit of the Choctaw and Chickasaw Nations of Indians, or to the credit of either of said Indian nations, as the case may be, out of any amount or amounts which may hereafter be decreed by the Court of Claims to said attorneys for their services and expenses in connection with the tribal claims and suits of the Choctaw and Chickasaw Nations of Indians, or of either of said Indian nations, under the above-mentioned act of June 7, 1924.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 63, after line 22, insert a new paragraph, as follows:

"There is hereby authorized to be expended, out of any money now standing to the credit of the Seminole Nation of Indians in the Treasury of the United States, the sum of not exceeding \$5,000, to be paid, in the discretion of the Secretary of the Interior, to attorneys for said Seminole Nation of Indians employed under the authority of the act of Congress approved May 20, 1924 (43 Stat., pp. 133-134), the payments to be made in such sums as may be necessary to reimburse the attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Seminole Nation of Indians against the United States under the above-mentioned act of May 20, 1924: *Provided further*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *Provided further*, That any sums allowed and paid under this act to the attorneys shall be reimbursable to credit of the Seminole Nation out of any amount or amounts which may hereafter be decreed by the Court of Claims to said attorneys for their services and expenses in connection with the Seminole tribal claims and suits under the above-mentioned act of May 20, 1924."

Mr. CRAMTON. Mr. Chairman, that item is entirely parallel to the preceding item in the bill. The other item relates to the expenses for carrying amounts for the Choctaw and Chickasaw Nations. The item just read has been recommended by the gentleman from Oklahoma [Mr. McKeown] and has been approved by the Indian Office. It makes a similar provision for the Seminole Nation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Not more than \$4,000 of the unexpended balance of the appropriation for repair and maintenance of the road on the Santa Clara Indian Reservation, N. Mex., leading to the Puye Cliff Ruins, contained in the act of March 7, 1928 (45 Stat. p. 212), shall be available for repayment to the Harvey Co. for cost of construction of said road: *Provided*, That

an admission fee of not less than 50 cents each for all persons 16 years of age or over for the Puye Cliff Ruins is authorized, and the proceeds from such fee of admission, less the cost of protection and administration of the ruins, shall be deposited in the Treasury of the United States to the credit of the Santa Clara Pueblo and shall bear interest at the rate of 4 per cent.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to return to page 39, line 18, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to return to page 39, line 18, for the purpose of offering an amendment. Is there objection?

Mr. SCHAFER. Reserving the right to object, what is the gentleman's amendment?

Mr. LEAVITT. The amendment is in connection with authorizing an appropriation not to exceed \$10,000 of the amount appropriated in the bill. It does not increase the total amount. It makes it available for educating Indian youths in stock raising at the United States Range Livestock Experiment Station at Miles City, Mont.

Mr. BLANTON. Mr. Chairman, let us have the amendment read.

The CHAIRMAN. Without objection, the amendment will be reported for information.

Mr. BLANTON. With the reservation of a point of order. The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 39, line 18, after the word "books," add "And provided further, That not to exceed \$10,000 of the amount herein appropriated shall be available for educating Indian youth in stock raising at the United States Range Livestock Experiment Station at Miles City, Mont."

The CHAIRMAN. Is there objection to the request of the gentleman from Montana to return to this paragraph for the purpose of considering the amendment?

There was no objection.

The CHAIRMAN. Is there a reservation by the gentleman from Texas?

Mr. BLANTON. There is none.

The CHAIRMAN. The amendment has been read for information. Without objection, it will be considered as having been read for consideration. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, this is a matter which the committee had under consideration in the hearings and in view of further information the committee has no objection to the amendment.

The Clerk read as follows:

ANNUITIES AND PER CAPITA PAYMENTS

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831, 4 Stat. 442), \$6,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. Will the gentleman from Michigan please explain the meaning of lines 15, 16, and 17, particularly the language appearing in line 16, "for permanent annuity in lieu of interest on stock (act of February 19, 1831)."

Mr. CRAMTON. That is carrying out a treaty entered into by which the Government agreed to pay in perpetuity \$6,000 a year in lieu of our obligations as they then existed. The act of February 19, 1831, entitled "An act to provide hereafter for the payment of \$6,000 annually to the Seneca Indians," reads as follows:

That the proceeds of the sum of \$100,000, being the amount placed in the hands of the President of the United States in trust for the Seneca Tribe of Indians, situated in the State of New York, be hereafter passed to the credit of the Indian appropriation fund; and that the Secretary of War be authorized to receive and pay over to the Seneca Tribe of Indians the sum of \$6,000 annually, in the way and manner as heretofore practiced, to be paid out of any money in the Treasury not otherwise appropriated.

I have not at hand any further information as to what that act of 1831 was based upon, and what that word "stock" refers to. I am frank to say, I can not state to the gentleman.

Mr. COOPER of Wisconsin. It is most unusual language, and I do not remember ever having seen it in any other bill, "permanent annuity in lieu of interest on stock."

Mr. CRAMTON. They evidently had some obligation against the Government and in lieu of that, in 1831, we agreed to pay them \$6,000 a year. I can not, I am sorry to say, give the gentleman a more complete answer.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For fulfilling treaties with Choctaws; Oklahoma: For permanent annuity (art. 2, treaty of November 16, 1805, and art. 13, treaty of June 22, 1855), \$3,000; for permanent annuity for support of light horsemen (art. 13, treaty of October 18, 1820, and art. 13, treaty of June 22, 1855), \$600; for permanent annuity for support of blacksmith (art. 6, treaty of October 18, 1820, and art. 9, treaty of January 20, 1825, and art. 13, treaty of June 22, 1855), \$600; for permanent annuity for education (art. 2, treaty of January 20, 1825, and art. 13, treaty of June 22, 1855), \$6,000; for permanent annuity for iron and steel (art. 9, treaty of January 20, 1825, and art. 13, treaty of June 22, 1855), \$320; in all, \$10,520.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I just want to ask the chairman of the subcommittee if the appropriation which was carried in the deficiency bill last year for the Alabama and Coushatta Indians for the acquisition of some additional land and equipment for them is being carried into effect.

Mr. CRAMTON. It is being carried into effect. The gentleman will find in the hearings a statement by Mr. Meritt that land has been acquired, and the Indian Service assured us it is desirable land and land which the Indians wish. The gentleman will find that was developed in the hearings.

Mr. BRIGGS. Is it also the purpose of the Indian Office to provide the additional equipment which is contemplated under the terms of the appropriation?

Mr. CRAMTON. That is in progress. As to the equipment I can not speak so definitely. They would necessarily need to make the investment in land first, because the balance is to go for the other purpose. They assured us that they sent their best expert there to study that land before making the purchase.

Mr. BRIGGS. And under the general agreement we had these Indians are now treated like other Indians.

Mr. CRAMTON. Well, the gentleman now is going into a more general field.

Mr. BRIGGS. I mean, they receive the same general treatment as other Indians receive.

Mr. CRAMTON. I doubt whether it was ever understood that these Indians were to receive the same treatment as other Indians, because that is a rather vague and indefinite field.

Mr. BRIGGS. What I understood the gentleman to say some time ago, when we had this matter before us, was that they would be placed upon the same basis as other Indians in their relationship with the Government.

Mr. CRAMTON. I do not think I have ever gone so far as to make that general and sweeping statement. However, we are showing a great deal of sympathy for them.

Mr. BRIGGS. That was my understanding, that they would share in certain general appropriations with reference to health and school matters.

Mr. CRAMTON. The best way will be for the gentleman to quote what I did say as shown by the RECORD. But I do not believe I ever made such a far-reaching and indefinite statement.

Mr. BRIGGS. That was my general understanding of the gentleman's assurance and that these Indians would be eligible to the general provisions of this bill and the appropriations which are made.

Mr. BLANTON. We have already passed the item in the bill providing for education.

Mr. BRIGGS. I know that.

Mr. CRAMTON. There was no assurance given that went to the extent that the gentleman suggests, so far as I know.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read down to and including line 23 on page 68.

Mr. HASTINGS. Mr. Chairman, we have concluded consideration of the items under the Bureau of Indian Affairs, and I ask unanimous consent to return to page 49 for the purpose of reoffering an amendment that was objected to a short time ago, being the proviso beginning with line 24, on page 49. I desire to reoffer that as an amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to page 49, line 24, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Chairman, I offer that proviso as an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: On page 49, after line 23, insert: "Provided, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., p. 708, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF PENSIONS

PENSIONS

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, \$221,000,000, to be immediately available: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

I do this, Mr. Chairman, for the purpose of making an observation at this point in reference to the administration of our pension laws. The particular matter came to my attention just a few minutes ago.

The legislative power of the Government by the Constitution is vested in the Congress, but as our legislative work has increased and has become more complicated we have had to delegate, so to speak, what really amounts to legislative power to certain administrative officers who draw up regulations. These regulations amount to law. They are law.

Obviously, it ought to be the intent, thought, and purpose of the law officers in the department drafting these regulations not to circumvent the laws of Congress, but to promote them and to carry them out in their spirit and true intent.

When you go to the Commissioner of Pensions, a very fine gentleman, he tells you that he has nothing whatever to do with the drawing up of regulations; that that is a matter for the head of the department; and then, I presume, if I should go to the head of the department it will be entirely news to him that anybody has drawn up a regulation of such a character; and every now and then we find a regulation, here and there throughout the departments, that is perfectly absurd, and it is difficult to conceive the attitude or the state of mind upon the part of the individual drawing up the regulation.

I want to cite this instance showing the absurd steps which some of these regulations drafting officers will take. It is a man who served for over four years during the Civil War. At the close he received an honorable discharge. In 1866 he married. After 1890 he was given a pensionable status and received his pension. He died, and following his death his widow, who had been married to him since shortly following his discharge, received a pension as the widow of a Civil War veteran.

She received this pension for several years, and finally married again. She married a man who claimed to have been a Civil War veteran. After his death, which was some years ago, his widow, relying on her second husband's statements, endeavored to obtain a widows' pension by virtue of alleged service by him during the Civil War. He had done this work under an assumed name or something of that sort. Neither the soldier in his lifetime, nor his widow, was able to connect this service. So she was denied a pension from the marriage with the second husband.

Before my coming to Congress, a special bill had been introduced so that she might have a pensionable status. Some years passed and finally that bill became law, and she is now drawing a pension under a special law.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON. In just a moment, when I get through with my statement.

She is now somewhat past 80 years of age, and she thought, in view of the fact that her first husband had rendered four years of honorable service, she ought to have the same pension that comes by general law to other widows with whom she is acquainted. So application was made on her first husband's service, and it was denied. No one questions these facts at all, but it was nevertheless denied. They said this woman having originally tried to recover a pension by virtue of her second marriage on the military service of her second husband—

she did not establish the fact, but having alleged that service—that notwithstanding that fact, before she could receive this pension she would have to disprove her allegation that her second husband had rendered military service. She had tried for years to prove that he had done so. The department turned her claim down and said she had not done so, and now, when she comes in to get what is due her, they say, "Now you have got to disprove that which for 10 years you have failed to prove." In other words, they are impeaching their own decision.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. BLANTON. What did the department do about the general law that holds that although when she remarried her pensionable status stopped, yet when that marriage ceased to exist at the death of her husband, her pensionable status could be resumed. That is the general law.

Mr. NEWTON. They brushed that aside. As I understand their position, and they say there is a possibility that she may be receiving a pension under an assumed name by reason of her having married the second time, and that because of that possibility, to save the Government from possibly paying her two pensions, she must establish the fact that her second husband rendered no military service and that she is receiving no pension from her second husband's service. Of course it is a perfectly absurd proposition to ask this woman to prove that her husband rendered no service, which would be proving a negative. Furthermore, they have already decided the other way.

I mention this at this time not only because it is interesting in connection with this particular bureau, but because it is illustrative of similar work elsewhere. You will find it in the Veterans' Bureau, you will find it in other departments and offices. Congress passes certain laws and then because some one in an administrative department of the Government thinks we ought not to have done that, we find them interpreting the law in their own way in the form of regulations.

Now, this particular regulation is an absurdity. Anybody who knows anything about pension legislation would not think of drafting a provision of that character if they wanted to carry out the will of Congress.

Mr. KNUTSON. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. KNUTSON. Has the widow that the gentleman speaks of applied for a pension on account of widowhood of the first husband?

Mr. NEWTON. Recently she has made it.

Mr. KNUTSON. I have a case on all fours with that of the gentleman.

Mr. GARBER. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. GARBER. Does the gentleman base his criticism on the law or a misconstruction of the law by the department?

Mr. NEWTON. Not on the law but a misconstruction of the law in drawing up regulations which the commissioner says bind him. The commissioner did not draw the regulation, but some one above him.

Mr. GARBER. It is not any maladministration on the part of the commissioner?

Mr. NEWTON. Not at all. I have the very highest regard for the commissioner. He disclaims responsibility. The regulations are evidently drawn in an utter disregard of the law as passed by Congress. It ought to be stopped.

The pro forma amendment was withdrawn.

The Clerk read as follows:

RETIREMENT ACT

To enable the Bureau of Pensions to perform the duties imposed upon it by the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended (U. S. C., p. 1887, secs. 706a, 707a), including personal services, purchase of books, office equipment, stationery, and other supplies, traveling expenses, expenses of medical and other examinations, and including not to exceed \$2,200 for compensation of one actuary, to be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior, and actual necessary travel and other expenses of three members of the Board of Actuaries, \$81,000.

For financing of the liability of the United States, created by the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts amendatory thereof (U. S. C., p. 1887, sec. 707a), \$20,500,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Mr. SCHAFER. Mr. Chairman, I make the point of order against the two provisos on page 70, lines 8 to 17, inclusive, because they are legislation on an appropriation bill, a change of existing law not authorized.

Mr. CRAMTON. Mr. Chairman, I wonder if the gentleman from Wisconsin would be willing to make his points of order separately to each proviso. There are two provisos, and that will be easier to handle.

Mr. SCHAFER. All right. I make the point of order against the first proviso and a separate point against the second proviso. I reserve both points of order.

Mr. BLANTON. I reserve a point of order to the whole paragraph.

The CHAIRMAN. Let the Chair get the parliamentary situation straight. The gentleman from Wisconsin reserves the point of order to both provisos.

Mr. CRAMTON. Yes; they are reserved against two provisos separately.

The CHAIRMAN. And the gentleman from Texas reserves the point of order to the whole paragraph.

Mr. CRAMTON. May I say this: To the second proviso the point of order is good. I do not contest that. But the point of order against the first proviso is not good, for the reason that while the language is legislative in character it is in order under the Holman rule, because by reason of that language a reduction appears on the face of the bill.

The item that came to the committee was \$450,000 for this purpose. By reason of the first proviso we have reduced that item \$150,000. If it had not been for the second proviso we could have made a greater reduction than the \$150,000, but in the judgment of the committee it was desirable to carry on the second proviso along with the first.

The situation is this, if the gentleman will reserve his point of order and permit me to make some statement with regard to it, and then I hope the gentleman will withdraw his point of order.

At the present time the law provides for a board of pension examiners. The examinations are held by a board of three examiners. The law provides a fee of \$3 for each member, for each examination, however many there may be conducted in any one day. In some places the bureau mentioned that at Los Angeles, for instance, there were 30 or more conducted in one day. That would mean that each member of the board would get \$90, or \$270 for the board. Our committee took up that question in a desire to bring about economy.

The Bureau of Pensions brought to us this suggestion and it has the entire approval of the Commissioner of Pensions, the medical examiner's staff, and other heads of the bureau, as framed here with the increase from \$3 to \$5, and with one examiner instead of the whole board. On the basis of the amount of business done last year there would be a saving of \$177,000. But the committee did not go quite that far.

We reduced the item only \$150,000. The bureau urged this. First, I emphasize economy in the matter of the expenditure of the public funds which is a responsibility of our committee, and the Holman rule was enacted to meet that kind of a case.

Mr. SCHAFER. Then I suppose the gentleman could reduce the number of Interstate Commerce Commissioners by making a similar appropriation and use the same sort of an alibi.

Mr. CRAMTON. I do not want to defend anything except this one item just at this time. The Holman rule does mean this, that where legislation results in the reduction of expenditures upon the face of the bill, it is in order, even though it be of a legislative character.

As to the merits, our committee would not want to blindly approve an item to reduce expenditures without checking it very carefully. What would be the effect on the service rendered by that reduction? The Bureau of Pensions insists that much better service will be secured, and the convenience of the pensioners will be better served and the interest of the Government better safeguarded with an examination before one physician with a fee of \$5 than with a \$3 fee before the board.

Mr. SCHAFER. The hearings do not so indicate. It must be private information.

Mr. CRAMTON. We went into the question in the hearings, and it will emphasize to the gentleman how carefully we work on these matters. The hearings show that we developed this matter as to the conduct of the examinations, and we got the approval of the bureau to certain other suggestions. In the hearings, it is shown that we asked the bureau to consider the question and give us information, and the bureau did so. After the hearings were closed, and after they had been printed, the bureau gave us the information as to difficulties in the way of what we had in mind doing at the time the hearings were held, and did make this suggestion and brought to us the table that I have in my hand showing the financial effect of this amendment.

The American Medical Association has adopted resolutions providing that \$5 shall be the minimum fee for examinations for life-insurance companies and things of that sort, and I think some of those organizations even have a provision for suspending the member who would give such an examination for less than \$5. The bureau says that they find difficulty in getting physicians of the best caliber in all communities to do this work at what the physician regards as a cut rate price of \$3. Hence the bureau is very desirous of an increase in the fee from \$3 to \$5. At the same time they state that a better examination will be secured from a physician who is getting the proper fee than if we are paying this \$3, which is really inadequate. Furthermore, that a more efficient examination will be made by one physician just as the examinations are made for life-insurance companies by one physician than is now made by a board where the work is actually done by one and the rest just give their acquiescence. Furthermore, under the language here, we do not abolish the old boards. Nobody loses his position. The commissioner will designate each physician to conduct a certain examination. Under the present system the board meets probably at the county seat. The doctors live at scattered places. The pensioner may have to go a number of miles to the county seat on the particular pension board day, whereas if the language stays as it is in the bill reported by the committee, the pensioner can go to the designated physician who may live in his own town, and not the county seat, and he can go any day that that physician is in his office and not the board day that the board might meet. We are advised by those most familiar with the situation that in addition to economy in the public funds better service will result to the Government and greater convenience to the pensioners.

Just one other consideration I desire to give and that is this. Suggestions have been made on this floor where increases are to be made. One was made to-day. It was one that we had debated about but felt that we really did not have the money, but we accepted the judgment of the Committee of the Whole. There are some others where increases need to be made, but if you are going to increase some items, others must be reduced. This committee has searched very carefully to find some places in the bill where reductions could be made without injury to the public service in order that we may at the same time increase items where more money is needed. Here is a case where we have found a place where better service can be secured with less expenditure of money. Hence we report it. Our committee is not desirous of legislating. We are careful not to legislate, and nothing reported at any place of a legislative character in this bill unless it is tied right up with the expenditure of money involved, and in this case, under the Holman rule, the first paragraph is not subject to the point of order. The second one is, but if the change is to be made and the first one is to be retained, in justice to the operation of the system we ought to have both provisos.

Mr. SCHAFER. Mr. Chairman, I disagree with the gentleman from Michigan [Mr. CRAMTON]. Under the act of July 25, 1882, as amended by various acts, including the act of September 22, 1922, and under the act of May 28, 1908, as amended by various acts, including the act of September 22, 1922, Congress specifically directs the Commissioner of Pensions to constitute these medical examining boards. Here is some of the language of the act of July 25, 1882, as amended:

The Commissioner of Pensions is authorized to appoint surgeons who, under his control and direction, shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board.

The act of May 28, 1908, specifically designates the fee of the board members. Said fee is \$3 for each board member, who must be present and assist in the examination. The language to which the point of order is raised clearly repeals the section of the act of July 25, 1882, which I have just quoted, which requires the examinations by boards of three, and is new legislation.

If we would follow the argument of the gentleman from Michigan to its ultimate conclusion a point of order could not be raised against any legislation on these appropriation bills. Using the same argument he is using the Committee on Appropriations could report a bill which would reduce the membership of the Interstate Commerce Commission or any other board or commission by reducing the amount of the appropriation for such board or commission. The cases are parallel.

Mr. CRAMTON. If the gentleman will permit, the gentleman will be interested in the ruling which can be applied even to the Interstate Commerce Commission if he likes. Section 815 of the Manual says:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. SCHAFER. Since the gentleman from Michigan has also laid stress upon the merits of the amendment, I want to call the attention of the Members of this Congress to the fact that there is something else to consider besides saving these few thousands of dollars. Members of Congress are familiar with the pension examining boards. There is hardly a Member of this House who does not have an examining board in his district. It is ridiculous for any gentleman to state that, because there are three members of the board you are not going to have as good an examination as you would have if only one physician conducted the examination. A board of three physicians will conduct a fairer and more satisfactory examination.

The membership should not permit this drastic change to be made by an amendment from the Appropriations Committee. If this change is to be made the legislative Committee on Pensions should hold hearings on the proposition so that those interested, particularly the representatives of the veteran organizations, can be heard.

Mr. WILLIAMSON. If the gentleman will yield for a moment, gentlemen who are conversant with examining boards in a district know that a \$3 fee for these examinations is not sufficient. I find in my district members of these boards frequently resign, and I find it difficult to get physicians to act on the board. This provision would preserve the boards and increase the compensation to \$5.

Mr. SCHAFER. I believe the veterans want the examinations made by a board of three members. In one breath the gentleman from Michigan says you can not obtain competent physicians for \$3, and in another breath he indicates that the members of many of the boards receive too much where they examine 30 or 40 and receive \$3 for each examination.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. SCHAFER. Yes.

Mr. BLANTON. Suppose they appoint one physician, and he is hard boiled?

Mr. SCHAFER. Yes. Or he may be prejudiced. That is one of the reasons why we have a board of three under the present law. The judgment of three physicians is also better than one, and in many cases will be nearer correct and the veteran better satisfied. If the point of order is not sustained, we shall have to have a quorum so that the full membership of the House can have an opportunity to approve or disapprove of this drastic legislative change in an appropriation bill. Mr. Chairman, I make a point of order against the proviso.

The CHAIRMAN. While the gentleman from Wisconsin is making his point of order the Chair desires to inquire if the gentleman from Texas insists on the point of order he himself has reserved?

Mr. BLANTON. I withdraw my reservation.

The CHAIRMAN. The Chair assumes, then, that there is pending only the point of order made by the gentleman from Wisconsin. The Chair would like to know if there is pending a separate point of order as to the proviso?

Mr. CRAMTON. That is my understanding. The question now before us is on the first proviso.

The CHAIRMAN. The members of the committee are all doubtless quite familiar with the provision of the Holman rule which has been quoted by the gentleman from Michigan [Mr. CRAMTON], referring particularly to the second clause in it, reading as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is a well-established principle that the reduction or retrenchment of expenditures by the reduction of the number or salaries of officials of the United States and by the other methods mentioned in the Holman rule must be apparent on the face of the bill. A point of order having been made, the Chairman of the Committee of the Whole must seek his infor-

mation as to whether there would be a reduction or retrenchment of expenditures by examining the face of the bill.

In this instance it is clear, so far as the first proviso is concerned, that there will be some reduction in the fees paid where only one medical examiner is employed in each instance instead of three, as now required by the board of surgeons provided for under existing law. But the exception at the end of the proviso contains this provision—

except when in the judgment of the said commissioner the examination should be made by more than one.

It seems to the Chair that that leaves the matter entirely wide open so that the Commissioner of Pensions may operate under this proviso in such a way that he may save expenditures, and he may not.

Mr. CRAMTON. For the moment we are discussing but one proviso, just as if the second proviso were not there. Otherwise we could have a ruling of the Chair which would knock it all out, and then I would offer the first proviso again. So we are considering the second proviso as if the first one were not present. Under this amendment in some cases it would be doubtful how many the commissioner might order before a full board. It is uncertain. The bulk of them might be called before one. However, the rule does not distinguish as to the amount of reduction or stipulate how many are or are not called before the full board. To that extent there is to be a reduction in the expenditures, and the report of the committee shows that that reduction on the face of the bill is \$150,000.

Mr. SCHAFER. Mr. Chairman, will the Chair allow another observation?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SCHAFER. According to the Chair's view in considering the language of the second proviso, looking on the face of the bill, there might not be one penny of reduction, because under the language of the first proviso the commissioner has discretionary authority to order every man before a board of three, and if he did there would be no reduction. There might possibly be an increase.

Mr. JOHNSON of Texas. Mr. Chairman, I would like to direct attention to the word "hereafter" and ask what effect that would have? Would it confine this rule to this appropriation, or would it extend the rule to subsequent acts of Congress? If so, would it not go beyond the scope of the Holman rule?

The CHAIRMAN. The Chair understands that the Holman rule relates specifically to legislation which is of a permanent character, providing that that legislation reduces expenditures. Before the remarks were made by the gentleman from Michigan and by the gentleman from Wisconsin, it seemed to the Chair that the last clause in the first proviso makes it very doubtful, at least, whether there would be any reduction or retrenchment of expenditures. The provision reads as follows:

Except when in the judgment of the said commissioner the examination should be made by more than one.

It might well be that a commissioner would take the position as a matter of policy that in all cases he would have an examination by the board of surgeons, and he could do that, it seems to the Chair, under that language.

Mr. CRAMTON. And if he did, the law in its effect has not been changed. But if in one single case he permitted the examination to be made by one instead of the board of three, the expenditure would be reduced.

The CHAIRMAN. As to that, the Chair would say that the retrenchment would be conjectural. It seems to the Chair that this language leaves it conjectural and problematical on the face as to whether there will be a permanent reduction of expenditures under this language. As the Chair understands the Holman rule there must be a definite reduction in the expenditures of the Government on the face of the legislation to bring the legislative proviso in an appropriation bill within the terms of that rule. The Chair can not hold that the first proviso with this language in it comes within the Holman rule. As to the second proviso, that raises the fees for ordinary examinations from \$3 to \$5, and the Chair thinks it clear that it is subject to the point of order, and the Chair therefore sustains the points of order as to both provisos.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 70, line 8, after the figures "\$300,000," insert: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon, duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions."

Mr. CRAMTON. Mr. Chairman, with reference to that amendment, which the committee will recognize as the language of the bill, shorn of the language which the Chair pronounced not in order—

Mr. SCHAFER. Mr. Chairman, a point of order. We have no quorum here, and if we are going to adopt such a wide-sweeping proposition we should have a quorum.

Mr. WILLIAMSON. Will the gentleman from Wisconsin withhold his point of order?

Mr. SCHAFER. I will withhold it.

Mr. WILLIAMSON. Will the gentleman from Michigan yield for a question?

Mr. CRAMTON. If we are going to have a point of order made we might as well have it. We are not going to rise yet.

Mr. WILLIAMSON. I just wanted an explanation of what you are trying to do.

The CHAIRMAN. If the gentleman from Wisconsin makes the point of order of no quorum, proceedings will stop.

Mr. SCHAFER. Mr. Chairman, I make the point of order of no quorum.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order of no quorum. The Chair will count. [After counting.] Seventy-nine Members of the committee are present, not a quorum.

Mr. SCHAFER. Mr. Chairman, I withdraw the point of order of no quorum.

The CHAIRMAN. The Chair will say that the Chair having made the announcement of no quorum, the thing to do is to go through the form of rising and go back into the House, unless the roll is to be called.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 15089, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BLANTON. Mr. Speaker, I make the point of order that the committee found itself without a quorum and came back into the House. If I remember the rules correctly, there must be developed a quorum before we can proceed with other business. The Chairman reported to the Speaker that the committee found itself without a quorum. Until a quorum is developed, the House is without a quorum, if I remember the rules correctly.

The SPEAKER. The Chair thinks that the motion to go back into the Committee of the Whole House on the state of the Union is in order. Of course, a point of order of no quorum could be raised on that motion, but the Chair thinks that motion is in order.

Mr. BLANTON. Mr. Speaker, I shall not obstruct the proceedings of the House, and will not make a point of no quorum, but I was trying to get the opinion of the Chair as to whether or not we could find ourselves without a quorum and then proceed with business.

The SPEAKER. The House has not found itself without a quorum.

Mr. TILSON. The rules of the House assume that when the eloquent gentleman from Texas, myself, and others rise and address the House, after the committee has risen there will be such an attraction that Members will come rushing in during that time so that we may have a quorum of the House.

Mr. BLANTON. We certainly have a full House now.

Mr. TILSON. Certainly.

Mr. BLANTON. And I will not make any point of order.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15089, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose the reading of the bill had proceeded to line 8, page 70.

Mr. CRAMTON. Mr. Chairman, I desire to withdraw the amendment just sent to the desk and offer in lieu thereof another amendment.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw the amendment which was reported just before the committee rose and to offer in lieu thereof another amendment. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I move to strike out the paragraph and insert the language I have sent to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CRAMTON moves to strike out on page 70 the paragraph beginning on line 5 and ending on line 8 and insert in lieu thereof the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, \$300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1194, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said commissioner the examination should be made by more than one: *Provided further*, That the fee paid any such physician making such examination shall be \$5 for each examination, foreign or domestic."

Mr. BLANTON. Mr. Chairman, I renew the point of order, unless the gentleman from Wisconsin desires to make it himself.

Mr. CRAMTON. Mr. Chairman, that amendment was offered through a misunderstanding of the views of the gentleman from Wisconsin [Mr. SCHAFER]. It is, of course, subject to a point of order. I misunderstood the gentleman. I offer the amendment which I send to the desk as a substitute for it.

The CHAIRMAN. Without objection, the amendment just reported will be withdrawn and the Clerk will report the amendment now offered by the gentleman from Michigan.

There was no objection.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 70, line 5, strike out the paragraph and insert in lieu thereof the following:

"For fees and mileage of examining surgeons engaged in the examination of pensioners and of claimants for pension, for services rendered within the fiscal years 1929 and 1930, \$300,000: *Provided*, That hereafter all necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon duly appointed under the act of July 25, 1882, as amended (U. S. C., p. 1195, secs. 71, 72), and duly designated for such examination by the Commissioner of Pensions. The fee to be paid any such physician making such examination, alone or otherwise, to be \$5 for each examination, foreign or domestic."

Mr. CRAMTON. Now, Mr. Chairman, the amendment I have offered is the same paragraph that was in the bill as reported except it strikes out the provision permitting the examination to be made by the full board. At the request of the gentleman from Wisconsin [Mr. SCHAFER] I ask unanimous consent that further consideration of this paragraph and the amendments thereto may be passed over until the committee sits again to-morrow.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that further consideration of this paragraph and all amendments thereto be deferred until to-morrow's sitting of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

For financing of the liability of the United States, created by the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts amendatory thereof (U. S. C., p. 1887, sec. 707a), \$20,500,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information from the chairman. Referring to the last paragraph, and the sum appropriated, \$20,000,000, will the chairman discuss that and tell us what that is supposed to do with reference to the total amount placed in the retirement fund, including contributions made by the employees?

Mr. CRAMTON. Last year an appropriation was made for the first time of \$19,950,000 for the purpose of financing our liability under the retirement act. The amount this year is increased somewhat, because it is based upon a certain percentage of the salary roll, and that salary roll is now increased, both because salaries were increased and because positions that were not formerly within the purview of the act have been brought under it. My recollection is that it is about 2½ per cent.

Mr. KETCHAM. About what will be the amount of this item in future appropriation bills?

Mr. CRAMTON. It is to be carried for a number of years and emphasizes the fact that the retirement payment to these employees is not all paid by the employees, as many Members have the impression. That will be realized when you remember that every employee that puts in any money, whether he lives or dies, whether he continues in the service or resigns, is bound to take out every penny that he put in with interest thereon. If he dies his estate gets it; if he resigns from the service he draws it out, every penny that he put in, with interest.

But there are many employees that will draw down more than they put in. For instance, every employee comes under its provision; if he were to retire in six months he would have contributed only a few dollars, but he draws down under this retirement act just as much money as if he had been making payments for 40 years. In that case, where an employee gets more money than he put in, some one must pay it. It is not paid by the employees, because every employee is guaranteed every penny he puts in, with interest. The Treasury of the United States must share that.

Mr. KETCHAM. What I want to cover is whether or not the amount of that appropriation would be anywhere near \$20,000,000 for each succeeding year.

Mr. CRAMTON. I may not be exact, but it seems to me that that amount is to continue for something like 40 years at least.

Mr. KETCHAM. At approximately this figure?

Mr. CRAMTON. Yes. Some liability had accumulated before we started in to finance the obligation. We were using up the money that the employees paid. Of course, the employees were paying in, but the liability was piling up all the time. That is what this is to meet.

The CHAIRMAN. The time of the gentleman from Michigan has expired. Without objection, the pro forma amendment is withdrawn.

Mr. HARE. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question for information. I understood the gentleman to say that every employee who retires will receive the full amount that he has contributed to the retirement fund or more.

Mr. CRAMTON. Every employee receives, or his estate will receive after his death, every penny that he has contributed to the fund, with interest thereon.

Mr. HARE. I can best explain my question by an illustration. Suppose an employee has served 16 years and has contributed for 16 years and then retires. After retiring for one year, and drawing his allotted amount for that period, he dies, does his estate then draw or continue to draw the amount he would have been entitled to if he had lived?

Mr. CRAMTON. His estate gets the balance that he would have drawn. There is no contingency that the gentleman can imagine where the employee, or in the event of his death his estate, will not receive every penny he contributed, with interest thereon.

Mr. HARE. I thank the gentleman very much for that explanation. Just one more question, because there are many employees who do not understand or do not have the correct idea about this retirement fund. Does the \$20,000,000 called for in this appropriation go into the general retirement fund, and is it a part of that fund, or is the retirement fund made up entirely of contributions by employees?

Mr. CRAMTON. This general retirement fund is made up of contributions from the employees and from the Treasury, and this \$20,000,000 is a part of that fund. As I say, we have been using up the employees' money and obligations were being created that at some time would have to be met. So this money goes into that fund just as the employees' money goes into that fund, and that total fund, whether derived from the employees or from this appropriation annually by the Government, draws interest and that interest goes into the fund and the fund accumulates to meet these liabilities of the future.

Mr. HARE. Then the total retirement fund is not made up wholly of contributions from employees?

Mr. CRAMTON. This appropriation is to take care of the Government's share of that expense, and I might say in further answer to the gentleman from Michigan [Mr. KETCHAM], that

in a statement in the hearings at page 1269 by Doctor Brown, a member of the Board of Actuaries to administer this act, he said:

The question might be raised as to how long the Government will have to continue making these appropriations of 2.50 per cent of the pay roll in order to liquidate the accrued liability nearly \$393,000,000? No definite answer can be made to that question. It will depend upon a number of things. The Board of Actuaries estimated last year that if the pay roll does not increase, contributions at the rate of 2.50 per cent of the pay roll may be expected to liquidate the accrued liability in about 71 years; if the pay roll increases by 1 per cent each year, the percentage will liquidate the accrued liability in about 42 years; if it increases by 2 per cent each year, about 35 years will be required to liquidate the accrued liability; while if the pay roll increases by 3 per cent each year, the period required to liquidate the accrued liability will be only about 28 years.

The fact is that the larger the pay roll the more rapidly will this mountain of liability be met, and so the gentleman can say that for from 35 to 70 years we must appropriate this amount of money.

Mr. KETCHAM. And that, of course, is based upon the theory that we do not increase the retirement allowance?

Mr. CRAMTON. Certainly.

Mr. KETCHAM. And if that should be, then we would have to multiply accordingly.

Mr. CRAMTON. Certainly. If we increase the retirement allowance or reduce the period of service required, then, of course, all this is thrown out of gear, and we will have to immensely increase our contributions.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Sun River project, Montana: For operation and maintenance, \$20,000; continuation of construction, \$213,000; in all, \$233,000: *Provided*, That the appropriation for continuation of construction for the fiscal year 1929 shall remain available for the fiscal year 1930, for the purposes for which originally appropriated: *Provided further*, That on or before July 1, 1929, notice shall be given by the Secretary of the Interior requiring the water users to assume the control of the constructed works on January 1, 1931, and to commence payment of construction charges in accordance with the contract of June 22, 1926, between the United States and the Greenfields Irrigation district.

Mr. BLANTON. Mr. Chairman, I reserve the point of order to ask a question. Is not this second proviso a change of the law in that it gives these water users until January 1, 1931, to make these payments that are required earlier under the law?

Mr. CRAMTON. No. It is not extending the time. It is making sure that they do not have any longer time than that.

Mr. BLANTON. But the law of June 22, 1926, required these payments earlier than January 1, 1931.

Mr. CRAMTON. No. The gentleman does not understand. It is not an act of June 22. It is a contract that they entered into.

Mr. BLANTON. But under a law. Is not this giving them an extension of time for making the payment?

Mr. CRAMTON. No; it is not.

Mr. BLANTON. Then I withdraw it.

The Clerk read as follows:

North Platte project, Nebraska-Wyoming: Not to exceed \$75,000 from the power revenues shall be available during the fiscal year 1930 for the operation and maintenance of the commercial system: *Provided*, That after the cost incurred by the Government in the construction of the North Platte project has been repaid all net revenues derived from the operation of the power system shall be covered into the reclamation fund, except that portion of said revenues which represents the part of said power system charged to and to be repaid by the water users of the North Platte project, which revenues shall be applied first on any operation and maintenance charges which may be due the United States, and thereafter as the water users may direct.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 77, line 18, after the word "system," strike out the colon, insert a semicolon, and strike out the balance of the paragraph.

Mr. CRAMTON. That strikes out the proviso. In connection with that I ask unanimous consent to extend my remarks in the RECORD by inserting a brief memorandum from the Commissioner of Reclamation with reference to that amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The memorandum referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington.

Referring to telephone conversation regarding the power situation on the North Platte project, the statement submitted, found on pages 494 and 495 of the hearings, I believe, gives a full explanation of the situation. You will note this statement expresses the belief that the situation is well covered by the present law. I believe this to be true and think that no material harm will be done should the special provision be omitted from the present bill.

ELWOOD MEAD, Commissioner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Rio Grande project, New Mexico-Texas: For operation and maintenance, \$250,000, together with \$125,000 of the unexpended balances of the appropriations available for continuation of construction during the fiscal year 1929.

Mr. CRAMTON. Mr. Chairman, in reference to this item the gentleman from New Mexico [Mr. MORROW] and the gentleman from Texas [Mr. JOHNSON], who is representing the gentleman from Texas [Mr. HUDSPETH], have made inquiries about this appropriation and express a fear. The only question is the amount available for reappropriation. The statement which I send to the Clerk's desk is from the Commissioner of Reclamation, and which I ask unanimous consent to insert as an extension of my remarks, makes plain that the question is under investigation, so for the present we hope to let the item stand as it is until further information is received.

Mr. JOHNSON of Texas. If the gentleman will yield, do I understand if this information is received and if it is too late for action here or if the amount is increased in another body—

Mr. CRAMTON. The purpose is not to reduce the available amount below \$375,000.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

The appropriation available for continuation of construction, fiscal year 1929, is \$168,000. There has been allotted for work in progress \$75,000. However, since that allotment was made further changes have been made in the construction program, and the project superintendent was requested by telegram of December 12 to advise whether \$125,000 of the \$168,000 available in 1929 will be unexpended on June 30, 1928, under the present construction program.

As soon as reply is received from the project superintendent further information will be sent to Mr. CRAMTON.

ELWOOD MEAD.

The CHAIRMAN. The pro forma amendment will be withdrawn, without objection.

There was no objection.

The Clerk read as follows:

Baker project, Oregon: The unexpended balance of the appropriation for this project for the fiscal year 1929 is reappropriated and made available for the same purpose for the fiscal year 1930.

Mr. JOHNSON of Texas. Mr. Chairman, I move to strike out the last word. In connection with the item just mentioned by the gentleman from Michigan I want in my time to have read, in reference to this item concerning the Rio Grande project, New Mexico and Texas, the telegram I send to the desk.

Mr. CRAMTON. Will not the gentleman be willing to insert it in the RECORD?

Mr. JOHNSON of Texas. Certainly. I will put it in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting a telegram to Congressman HUDSPETH about this project. Is there objection? [After a pause.] The Chair hears none.

The telegram is as follows:

EL PASO, TEX., December 11, 1928.

HON. C. B. HUDSPETH,

House of Representatives.

Have newspaper report Committee on Appropriations cut Rio Grande maintenance and operation budget for 1929 from \$300,000 to \$250,000. This year \$350,000 was appropriated and spent, which sum proved insufficient for proper maintenance of irrigation and drainage systems, and \$40,000 additional was raised locally as an emergency measure.

The amount recommended will not permit proper maintenance and operation and will cause serious crop loss to farmers by reason of lack of service. These funds are repaid annually by the water users and there is no reason to fail to provide efficient operation of the works in conformity with existing contracts. Will you please endeavor to secure amendment prior to passage of the bill?

EL PASO COUNTY WATER IMPROVEMENT DISTRICT No. 1.

The Clerk read as follows:

Yakima project (Kittitas division), Washington: For operation and maintenance, \$20,000.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15089, had come to no resolution thereon.

Mr. CRAMTON. I move that the House do now adjourn. I withhold that request.

LINCOLN'S EMANCIPATION PROCLAMATION

Mr. McLEOD. Mr. Speaker, in view of the fact that January 1 next will be the sixty-sixth anniversary of the actual liberation of the slaves, I ask unanimous consent to extend my remarks in the RECORD by inserting Lincoln's emancipation proclamation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. McLEOD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the emancipation proclamation of President Lincoln, which is as follows:

Whereas on the 22d day of September, A. D. 1862, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the 1st day of January, A. D. 1863, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the 1st day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by Members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall in the absence of strong countervailing testimony be deemed conclusive evidence that such State and the people thereof are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this 1st day of January, A. D. 1863, and in accordance with my purpose so to do, publicly proclaimed for the full period of 100 days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the 48 counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that in all cases when allowed they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States

to garrison forts, positions, stations, and other places, and man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

ABRAHAM LINCOLN.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867;

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes;

H. R. 11983. An act to provide for issuance of perpetual easement to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 12312. An act for the relief of James Hunts Along;

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; and

H. R. 13606. An act for the relief of Russell White Bear.

ADJOURNMENT

Mr. CRAMTON. I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Friday, December 14, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, December 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Agriculture Department appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

A hearing of the subcommittee to consider H. R. 10741—a bill for the relief of J. F. McMurray.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON HEALTH, CHARITIES, AND HOSPITALS

(10.30 a. m.)

To amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia" (13855) and other bills.

EXECUTIVE COMMUNICATIONS, ETC.

684. Under clause 2 of Rule XXIV, a letter from the Comptroller of the Currency, transmitting the text of the annual report of the Comptroller of the Currency covering activities of the Currency Bureau for the year ended October 31, 1928 (H. Doc. No. 361), was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 14659. A bill to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York; without amendment (Rept. No. 1952). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8830. A bill to authorize the payment to Robert Toquothly of royal-

ties arising from an oil and gas well in the bed of the Red River in Oklahoma; without amendment (Rept. No. 1953). Referred to the Committee of the Whole House.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 13988. A bill for the relief of Peter Shapp; with an amendment (Rept. No. 1954). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOHN: A bill (H. R. 15323) to provide for the establishment of a Coast Guard station at or near Grand Island, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. BULWINKLE: A bill (H. R. 15324) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; to the Committee on Naval Affairs.

Also, a bill (H. R. 15325) authorizing and directing the Secretary of War to lend to the Governor of North Carolina 9,000 blankets (olive drab, No. 4), 5,000 pillowcases, 5,000 canvas cots, 5,000 cotton pillows, 5,000 bed sacks, and 9,000 bed sheets, to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 15326) to amend paragraphs 1003, 1008, 1018, 1019, 1582, and 1651 of the tariff act of 1922, and to add a new paragraph to Schedule 10, immediately following paragraph 1019, to be known as paragraph 1019-A; to the Committee on Ways and Means.

By Mr. HOLADAY: A bill (H. R. 15327) authorizing the erection of a sanitary fireproof hospital and doctors' quarters at the National Home for Disabled Volunteer Soldiers at Danville, Ill.; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 15328) to authorize the exchange of 18 sections of Government land for an equal number of sections of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes; to the Committee on the Public Lands.

By Mr. McREYNOLDS: A bill (H. R. 15329) granting the consent of Congress to W. H. Monahan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation opposite or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 15330) authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia; to the Committee on Military Affairs.

By Mr. FULMER: A bill (H. R. 15331) to provide for the making of loans to drainage or levee districts, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. LEATHERWOOD: A bill (H. R. 15332) to amend section 4 of the act of March 3, 1927, granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. CHINDBLOM: A bill (H. R. 15333) granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 15334) to regulate the sale of securities, to prevent gambling in the same, to prevent the sale of cotton and grain in so-called future markets, and for other purposes; to the Committee on the Judiciary.

By Mr. FISH: A bill (H. R. 15335) to amend the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. JEFFERS: A bill (H. R. 15336) to authorize the erection of a United States veterans' hospital in the State of Alabama, and to authorize an appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 15337) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 15338) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 15339) to combat and prevent influenza in the United States; to the Committee on Appropriations.

By Mr. WOODRUM: Joint resolution (H. J. Res. 348) proposing a location for use of the President of the United States; to the Committee on Public Buildings and Grounds.

By Mr. MORIN: Joint resolution (H. J. Res. 349) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERGER: A bill (H. R. 15340) for the relief of John Arquet; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 15341) for the relief of the Consolidated Awning & Tent Co., of Newport News, Va., and the United States Fidelity & Guaranty Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. BOHN: A bill (H. R. 15342) for the relief of Ralph W. Daggett, former lieutenant, Finance Department, United States Army; to the Committee on Military Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 15343) to correct the military record of Clayton R. Miller; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 15344) granting a pension to James C. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15345) granting an increase of pension to Lucy A. Wilson; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 15346) granting an increase of pension to Elida A. Zook; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15347) for the relief of Prof. William H. Hart, principal of the Hart Foreign School and Junior Republic for Dependent Children; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 15348) granting a pension to John W. Baker; to the Committee on Pensions.

Also, a bill (H. R. 15349) granting an increase of pension to Edward L. Schniedemann; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 15350) granting an increase of pension to William Bartlett; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 15351) for the relief of Evelyn Harris; to the Committee on Claims.

By Mr. HALL of Indiana: A bill (H. R. 15352) granting an increase of pension to Mary C. Forlow; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 15353) for the relief of Samuel Irick; to the Committee on World War Veterans' Legislation.

By Mr. HAWLEY: A bill (H. R. 15354) for the relief of C. F. Beach; to the Committee on Claims.

Also, a bill (H. R. 15355) granting an increase of pension to Mary E. Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15356) granting a pension to Anna W. Udell; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 15357) granting a pension to Tessa Baugh; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15358) granting an increase of pension to Mary E. Priddy; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15359) granting a pension to Ellen Batters; to the Committee on Pensions.

By Mr. KVALE: A bill (H. R. 15360) for the relief of Henry G. Young; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 15361) granting an increase of pension to Susan T. Sailor; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 15362) granting an increase of pension to Huldah W. Lentz; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 15363) granting a retirement annuity to Frederick R. Sparks; to the Committee on the Civil Service.

By Mr. LOZIER: A bill (H. R. 15364) granting an increase of pension to Julia McConkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15365) granting an increase of pension to Martha A. Lawhorn; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 15366) granting an increase of pension to Lillian E. Plum; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 15367) for the relief of Henry M. Weiser, administrator of the estate of Cora H. Weiser; to the Committee on Claims.

By Mr. MILLIGAN: A bill (H. R. 15368) granting a pension to Mary A. Reynolds; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 15369) granting a pension to Margaret C. Dougherty; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15370) for the relief of Anthony Marcum; to the Committee on Claims.

By Mr. SCHNEIDER: A bill (H. R. 15371) granting an increase of pension to Sarah Sanderson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 15372) for the relief of Nellie Barnard; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 15373) granting an increase of pension to Nancy J. Patton; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15374) granting an increase of pension to Etta Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15375) granting an increase of pension to Alida A. Marshall; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 15376) granting an increase of pension to Harriet E. Fowler; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15377) granting a pension to Luvina Crawford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7962. By Mr. BERGER: Memorial of Local No. 3, National Federation of Post Office Clerks, of Milwaukee, Wis., indorsing the proposal for a Saturday half holiday contained in Senate bill 3281 and in the La Follette-Mead Saturday short work day bill; to the Committee on the Post Offices and Post Roads.

7963. Also, memorial of Cigar Makers' Union Local No. 25, of Milwaukee, Wis., protesting in the name of the cigar makers, cigar manufacturers, tobacco-leaf growers, box makers, and tobacco strippers against the enactment of House bill 9195, known as the Cuban parcel post bill; to the Committee on Ways and Means.

7964. By Mr. CRAIL: Petition of American Legion Auxiliary, of San Pedro, Calif., urging appropriate legislation by Congress providing for 300 additional beds and an adequate appropriation for the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Appropriations.

7965. Also, petition of Better America Federation, of Los Angeles, Calif., protesting against repeal of national-origins provision of immigration law; to the Committee on Immigration and Naturalization.

7966. Also, petition of Stanton Post No. 55, Grand Army of the Republic, of Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

7967. By Mr. HALL of Indiana: Petition of Plainfield Quarterly Meeting of Friends, meeting in Indianapolis, urging the Congress to ratify the world treaties known as the "Pact of Paris"; to the Committee on Foreign Affairs.

7968. By Mr. HARRISON: Petition of Berryville Chamber of Commerce, in regard to Mount Weather as a summer White House; to the Committee on Appropriations.

7969. Also, telegram of Luray Chamber of Commerce, as to summer White House; to the Committee on Appropriations.

7970. By Mr. O'CONNELL: Petition of the Union Label Club of Kings County, Brooklyn, N. Y., opposing the passage of House bill 9195, Cuban parcel post bill, amending sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

7971. Also, petition of the Capt. Charles V. Gridley Chapter, No. 1, Dewey Congressional Medal Men's Association, San Francisco, Calif., favoring the passage of Senate bill 1265 and House bill 12247; to the Committee on Pensions.

7972. By Mr. ROBINSON of Iowa: Petition of Black Hawk Chapter, Daughters of American Revolution, Cedar Falls, Iowa,

in favor of the Kellogg multilateral treaty, submitted by Anna L. S. Wood, chairman of meeting, and Harriet S. Mentzer, secretary, Cedar Falls, Iowa; to the Committee on Foreign Affairs.

7973. By Mr. SWICK: Petition of Ellwood City Council, No. 182, Fraternal Patriotic Americans, G. S. Mook, secretary, Ellwood City, Pa., urging quota law for Canadian and Mexican immigrants, registration of all aliens, and enforcement of national origins clause; to the Committee on Immigration and Naturalization.

7974. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., protesting the enactment of legislation looking to the repeal of the so-called Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, December 14, 1928

(Legislative day of Thursday, December 13, 1928)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 13990) to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased, in which it requested the concurrence of the Senate.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainment of the electors for President and Vice President at the election held November 6, 1928, from the States of Alabama, Arizona, Arkansas, Delaware, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Missouri, Oregon, and Vermont, which were ordered to lie on the table.

SENATOR FROM WISCONSIN

The VICE PRESIDENT laid before the Senate the credentials of ROBERT M. LA FOLLETTE, Jr., chosen a Senator from the State of Wisconsin for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

UNITED STATES OF AMERICA,
THE STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, ROBERT M. LA FOLLETTE, Jr., was duly elected by the qualified electors of the State of Wisconsin a Senator of the United States from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929, as appears from the certificate of the State board of canvassers now on file and of record in the office of secretary of state.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed.

Done at the capitol, in the city of Madison, this 11th day of December, A. D. 1928.

[SEAL.]

FRED R. ZIMMERMAN,
Governor.

By the governor:

THEODORE DAMMANN.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. Mr. President, I present petitions from members of the faculty and hundreds of students of Smith College, of Northampton, Mass., praying for the prompt ratification of the multilateral treaty for the renunciation of war, which I request be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented petitions of sundry citizens of Detroit and Kalamazoo, in the State of Michigan, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. KEYES presented a petition of sundry citizens of Conway and vicinity, in the State of New Hampshire, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. FRAZIER presented the petition of Mrs. Christine Elker and 40 other citizens of Surrey, N. Dak., praying for the

prompt ratification of the so-called multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented the memorial of R. D. Bagley and 44 other citizens of Minot, N. Dak., remonstrating against the passage of the bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes, or any other legislation of similar character, which was referred to the Committee on Military Affairs.

Mr. JONES presented petitions numerous signed by sundry citizens of Tacoma, Winlock, Kelso, Sequim, Port Angeles, Kalama, Castle Rock, Longview, Spokane, Olympia, Vancouver, Bellingham, Monroe, Yakima, Pateros, Leavenworth, Ostrander, Centralia, Washougal, Menlo, Toledo, Tenino, Woodland, Goldendale, Chehalis, and Ryderwood, all in the State of Washington, praying for the prompt ratification of the so-called multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. WAGNER. Mr. President, I present a memorial to the Senate, transmitted to me by one of the leading scholars of our State, Dr. Stephen S. Wise, and signed by distinguished Americans throughout the country in favor of the Kellogg peace pact, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

MEMORIAL TO UNITED STATES SENATE—PEACE PACT AND CRUISER BILL INCONSISTENT

We, the undersigned citizens, being in hearty favor of the ratification by the United States Senate of the general pact for the renunciation of war, look with grave apprehension upon the possibility of the authorization of 15 additional cruisers in the present session of the Senate.

We believe that the wholesome effect of the general pact for the renunciation of war upon the sentiment of nations and peoples will be largely nullified if the nation which first proposed the general pact expresses lack of confidence in its efficacy by increasing its own armament. It seems to us idle to insist that the naval program has been conceived without reference to the program of any other nation, since the cruisers to be authorized are clearly in the class of vessels which were the bone of contention in the abortive Geneva naval limitation conference. Whatever may be the merits of the American position as to the question of naval disarmament, it must be clear to every observer that the initiation of a new building program at this time will inevitably imperil the wholesome effect of the general pact for the renunciation of war and will give other nations occasion to question America's sincerity. We therefore urge our representatives in the Senate to vote against the cruiser bill and for the general pact for the renunciation of war.

Cornelia S. Adair, vice president National Education Association; Jane Addams; Clifford W. Barnes, vice president Chicago Association of Commerce; Rev. S. Parkes Cadman; Carrie Chapman Catt; John H. Clarke, ex-justice Supreme Court of the United States; Rev. Henry Sloane Coffin, president Union Theological Seminary; W. H. P. Faunce, president Brown University; Harry Emerson Fosdick, pastor Park Avenue Baptist Church; Virginia C. Gildersleeve, dean Barnard College; John Grier Hibben, president Princeton University; Sidney Hillman, president Amalgamated Clothing Workers; Harvey Ingham, editor Des Moines Register; Rev. Burriss Jenkins, Kansas City; David Starr Jordan, chancellor emeritus Leland Stanford University; Paul U. Kellogg, editor The Survey; Julia C. Lathrop, former chief of United States Children's Bureau; Henry Goddard Leach, editor the Forum; Ivy Lee, publicist; Clarence C. Little, president University of Michigan; Bishop F. J. McConnell, president Federal Council of Churches; Henry Noble McCracken, president Vassar College; Charles C. Morrison, editor the Christian Century; Evelyn Riley Nicholson, president Woman's Foreign Missionary Society of Methodist Episcopal Church; Kathleen Norris, writer, California; Rev. Robert Norwood, rector St. Bartholomew's Church; Right Rev. G. A. Oldham, diocese of Albany; Marion Edwards Park, president Bryn Mawr College; George Haven Putnam, publisher; Fleming H. Revell, publisher; Mary K. Simkhovitch, head of Greenwich House; Charles F. Thwing, president emeritus Western Reserve University; Bishop Herbert Welch, Methodist Episcopal Church, Pittsburgh; Rabbi Stephen S. Wise, Free Synagogue, New York; Mary E. Woolley, president American Association of University Women.